

CHAPTER 1:03

REPRESENTATION OF THE PEOPLE ACT

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

SECTION

1. Short title.
2. Interpretation.
3. Electoral system.
4. Other functions of Commission.
5. Extension of time.
6. Polling districts and divisions.
7. Election officers and staff.
8. Oaths.

PART II

LISTS OF CANDIDATES

9. Notice of date for submission of lists.
10. Chief Election Officer to receive lists.
11. Requirements of lists.
12. Representatives of lists.
13. Examination of lists.
14. Defective lists.
15. Corrections to lists.
16. Applications for symbols.
17. Approval of lists.
18. Appeal against refusal of approval.
19. Publication of lists.
20. Withdrawal of lists.
21. Death or withdrawal of candidate.
22. Joinder of lists.

LAWS OF GUYANA

PART III

AGENTS

SECTION

23. Appointment of election agents.
24. Appointments of assistant agents, counting agents and polling agents.
25. Actions of assistant agents, polling agents and counting agents.
26. Liability of candidates for offences by election agents.

PART IV

ENTITLEMENT TO VOTE

27. Electors to have one vote and to vote in person.
28. Voting to be at polling-place where elector's name displayed.
29. Right of electors in certain cases to vote at other polling-places.
30. Entitlement to vote by proxy.
31. Application for appointment of proxy.
32. Notice of appointment as proxy and list of proxies.
33. Cancellation of appointment as proxy.

PART V

PREPARATIONS FOR THE POLL

34. Notice of poll.
35. Division of official list of electors.
36. Display of lists at polling-places.
37. Preparation of polling-places.
38. Printing of directions for voting and ballot papers.
39. Requirements of ballot papers.
40. Supplies of election material.
41. Display of lists of candidates and directions for voting.
42. Safe custody of election material.
43. Application of section 12 of the National Registration Act.

PART VI

PREPARATION FOR NON-RESIDENT ELECTORS' BALLOT

SECTION

44. Interpretation of Part VI.
45. Display of non-resident electors' roll.
46. Printing of ballot officers' supplies.
47. Non-resident electors' ballot papers.
48. Additional supplies for ballot officers.
49. Safe custody of officers' supplies.

PART VII

NON-RESIDENT ELECTORS' BALLOT

50. Interpretation of Part VII.
51. Issue of ballot papers to non-resident electors.
52. Notes of ballot papers issued.
53. Ballot attendants.
54. Recording of non-resident elector's vote.
55. Transmission of non-resident elector's vote to ballot officer.
56. Safe custody of votes returned.
57. Officers' responsibilities.
58. Balloting by non-resident electors in particular cases.
59. Time and place for casting non-resident electors' votes.
60. Commencement of proceedings on election day for casting non-resident electors' votes.
61. Opening packets of non-resident electors' ballot papers.
62. Casting non-resident electors' votes.
63. Further duties of Chief Election Officer in relation to packets.
64. Ballot boxes.
65. Delegation of Chief Election Officer's functions.

PART VIII

PROCEDURE FOR VOTING BY SPECIFIED DISCIPLINED FORCES

66. Definitions

LAWS OF GUYANA

6

Cap. 1:03

Representation of the People

SECTION

67. Application of Part.
68. Appointment of ballot officers, ballot attendants and balloting places for the purposes of this Part.
69. List of electors entitled to vote under this Part.
70. Balloting.
71. Ballot attendant to hand over ballot box to ballot officer.
72. Application of certain provisions relating to penalties to balloting under this Part.
73. Modification, etc. of provisions of Act.
74. Over-riding effect of this Part.

PART IX

THE POLL

75. Place and time of poll.
76. Appointment of candidate to attend poll.
77. Opening of poll.
78. Applicant to vote to hand identity paper to poll clerk.
79. Duty of presiding officer upon application for a ballot paper.
80. Issue of ballot paper to elector.
81. Mode of voting.
82. Blind and incapacitated electors.
83. Tendered ballot papers.
84. Voter identification.
85. Entries in poll book.
86. Maintenance of secrecy at polling-place.
87. Molestation of electors.
88. Obstruction.
89. Preservation of order.
90. Closing of spirit shops.
91. Employers to allow employees period for voting.
92. Penalty for breach of section 91.
93. Procedure on closing of poll.
94. Accompanying ballot boxes.

PART X

COUNTING OF VOTES POLLED

SECTION

95. Counting of votes.
96. Candidates appointed to attend count.
97. Attendance at count.
98. Method of counting.
99. Recounts.
100. Procedure on conclusion of count.
101. Maintenance of secrecy at count.

PART XI

COUNTING NON-RESIDENT ELECTORS' VOTES

102. Persons who may be present at count.
103. Method of counting non-resident electors' votes.
104. Recounts of non-resident electors' votes.
105. Procedure on conclusion of count of non-residents' votes.
106. Delegation of Chief Election Officer's functions under this Part.

PART XII

ASCERTAINMENT OF ELECTION RESULTS

107. Totalling of votes.
108. Allocation of seats.
109. Membership of National Assembly.
110. Publication of election results.
111. Filling of casual vacancies in the case of members elected under article 60(2) of the Constitution.
112. Certificates of election.
113. Election report.
114. Custody of election documents.

PART XIII

ELECTION EXPENSES

SECTION

- 115. Making of contracts through election agents.
- 116. Payment of expenses.
- 117. Petty and overseas expenditure.
- 118. Maximum expenses.
- 119. Remuneration of election agent.
- 120. Election expenses return and declarations.
- 121. Publication of summary of election expenses return.
- 122. Authorised excuse for failure to submit return and declarations.
- 123. Period of claims for payment of election expenses.
- 124. Exemption of act done in good faith from being an illegal practice.
- 125. Saving for creditors.
- 126. Prohibition of expenses not authorised by election agent.
- 127. False election expenses declarations.

PART XIV

ILLEGAL PAYMENT, EMPLOYMENT, HIRING

- 128. Providing money for illegal purposes.
- 129. Corrupt withdrawal of candidate.
- 130. Prohibition of certain forms of employment.
- 131. Illegal hiring of transport for electors.
- 132. Use of certain premises as committee room prohibited.
- 133. Penalty for illegal payment, employment or hiring.

PART XV

ILLEGAL PRACTICES

- 134. Certain expenditure to be illegal practice.
- 135. Disorderly behaviour at election meeting.
- 136. False statements concerning candidates.
- 137. Election publications.
- 138. Miscellaneous illegal practices.

LAWS OF GUYANA

Representation of the People

Cap. 1:03

9

SECTION

- 139. Plural voting to be illegal practice.
- 140. Penalty for illegal practice.

PART XVI

CORRUPT PRACTICES

- 141. Treating.
- 142. Undue influence.
- 143. Bribery.
- 144. Personation.
- 145. General penalty for corrupt practices.
- 146. Penalty for personation.
- 147. Disqualification.

PART XVII

MISCELLANEOUS ELECTION OFFENCES

- 148. Offences in respect of ballot boxes and ballot papers, identity papers and appointments as proxy.
- 149. Voting when not entitled.
- 150. Interference with notices and lists.
- 151. Terror intimidation causing withdrawal of candidate.
- 152. Abetment of offence under this Act.
- 153. Attempt and incitement to commit offence under this Act.

PART XVIII

GENERAL

- 154. Elections Commission proceedings.
- 155. Property in election material.
- 156. Certificate of Chief Election Officer.
- 157. Offences by bodies corporate.
- 158. Limitation of time.
- 159. Special provisions as to convictions.
- 160. Rules of Court.

LAWS OF GUYANA

10

Cap. 1:03

Representation of the People

SECTION

- 161. Duty not to disclose fingerprints.
- 162. Extra-territorial application of penal provisions of this Act.
- 163. Expenses.
- 164. Regulations.
- 165. Commission to be consulted on emoluments of officers and staff.

SCHEDULE— Forms.

CHAPTER 1:03

REPRESENTATION OF THE PEOPLE ACT

Reg. 24/1964
O. 50/1980

An Act to make provision for the election of members of the National Assembly under a system of proportional representation and for purposes connected therewith.

[25TH SEPTEMBER, 1964]

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Representation of the People Act.

Interpretation.
[16 of 1968
4 of 1972
Reg. 6/1973
O. 50/1980
16 of 1985
22 of 1997
15 of 2000]

2. (1) In this Act—

“carriage” includes a mechanically propelled vehicle;

“certificate of employment” means a certificate issued under section 29(4);

“Commission” means the Elections Commission established by article 161 of the Constitution;

c. 1:01

“disciplined force” has the same meaning as in article 154 of the Constitution;

“district” means a polling district constituted under section 6(1);

“division” means a polling division as defined by section 6(2);

“election” means an election in accordance with article 60(2) of the Constitution of members to the National Assembly, and “elector” shall be construed accordingly;

“election day”, in relation to any election, means the day appointed under article 61 of the Constitution for the holding of the election;

“election expenses declaration” means a declaration as to election expenses as required by section 120;

“election officer” means—

- (a) the Chief Election Officer;
- (aa) the Deputy Chief Election Officer
- (b) a returning officer;
- (c) a deputy returning officer;
- (d) an election clerk;
- (e) a presiding officer;
- (f) an assistant presiding officer;
- (g) a poll clerk;

“elector”, in Parts IV, IV, V, VI, VII, VIII and IX, means an elector whose name is on the official list of electors;

“Form” means Form in the Schedule;

“group of candidates” means the candidates named in a list of candidates;

“Guyana National geographical constituencies” means one of the ten constituencies into which Guyana is divided under section 11A

“identity paper” means an identification card issued under the National Registration Act and includes a replacement identification card so issued: c. 19:08

LAWS OF GUYANA

12

Cap. 1:03

Representation of the People

[15 of 2000]

Provided that the identity paper tendered to a presiding officer on the day of an election by an elector shall be the latest identity paper issued to him by the Commissioner under this Act, as amended by the Election Laws (Amendment) Act 2000

LAWS OF GUYANA

- [15 of 2000] “member”, in relation to a disciplined force, has the same meaning as in article 154 of the Constitution.
- “official list of electors” means the official list of electors for a polling division as prescribed by subsection (3);
- “official mark” means such official mark as the Chief Election Officer shall approve for the purpose of stamping ballot papers;
- “payment” includes any pecuniary or other reward;
- “personal expenses”, in relation to the expenses of a candidate, includes his reasonable travelling expenses and the reasonable expenses of his living at hotels or elsewhere for the purposes of and in relation to the election;
- “poll” means the poll, by voters whose names are on the official lists of electors, for the purpose of any election;
- “presiding officer” means—
- (a) a presiding officer of a polling place;
 - (b) an assistant presiding officer;
- “region” means any of the ten regions which may be established under article 72(1) of the Constitution;
- “registration card” has the same meaning as in the National Registration Act;
- c. 19:08 “returning officer” means—
- (a) a returning officer of a polling district;
 - (b) a deputy returning officer.

LAWS OF GUYANA

14

Cap. 1:03

Representation of the People

(2) In this Act the expression “committee room” does not include any house or room occupied by a candidate at an election as a dwelling, by reason solely of the candidate there transacting general business with his agents in relation to the election; nor shall any room or building be deemed to be a committee room for the purposes of this Act by reason only of the candidate or any agent of the group of candidates addressing therein electors, committee men, or others.

(3) The official list of electors for any division shall be the preliminary list of the electors resident in that division, prepared before election day in pursuance of section 14 of the National Registration Act or last prepared in pursuance thereof before such day, as the case may be, but with every such modification as may be necessary to bring that list into conformity with the divisional register— c. 19:08

(a) as altered under section 15(6) of the National Registration Act to give effect to claims and objections finally determined before the said election day;

(b) pursuant to any alteration thereto made under section 8 of the National Registration Act, prior to compliance with section 34(2)(a)(iv) in respect of the said official list, for the purpose of changing the registered address of any elector’s residence within Guyana or the registered name or occupation of any elector; or

(c) pursuant to the cancellation of any elector’s registration therein effected in contravention of section 11(1) of the National Registration Act, or relating to an elector who is dead, under section 8 of the National Registration Act,

and every reference made to the official list of electors in the provisions hereinafter contained shall, in relation to any time on or before election day, be construed as a reference to such preliminary list as aforesaid with such modifications thereto (if any) as, at that time, shall have been made in conformity with this subsection.

(4) In subsection (3) reference to a preliminary list is a reference to such list read in conjunction with any supplementary list prepared for a revision of that preliminary list pursuant to regulations made under the Act for the purpose of showing the aforementioned modifications.

LAWS OF GUYANA

Electoral
system.
[16 of 1968]

3. (1) An election shall be conducted by secret ballot in conformity with this Act.

(2) Throughout Guyana, votes shall be cast in favour of lists of candidates published in accordance with section 19.

Other
functions of
Commission.
[16 of 1968]

4. The Commission shall have, in addition to the functions assigned to it by the Constitution, such functions as are assigned to it by this Act and, in the execution of this Act, such authority of the Commission as is exercised in pursuance of the provisions of the Constitution shall be duly deferred to.

Extension of
time.
[16 of 1968
12 of 1996]

5. Where under this Act any act is required to be done not later than a specified number of days before election day, the Elections Commission may by direction under its hand, if it deems it requisite or desirable so to do, extend the time allowed by reducing the number of days so specified; and the following provisions shall have effect in relation to that power—

(a) the power may be exercised either generally or specially;

(b) the power may be exercised so as to make valid anything already done after the expiration of the time allowed;

(c) the Commission shall, as soon as practicable after any exercise of the power, publish in the *Gazette* a notification thereof, which shall include a brief statement of the reasons for, and the effect of, that exercise.

Polling
districts and
divisions.
[16 of 1968
4 of 1972
O. 50/1980
O. 68/1980
12 of 1996]

6. (1) Guyana shall be divided into polling districts, each of which shall consist of such polling divisions, and be distinguished by such names, as may be specified by order of the Elections Commission:

Provided that no polling district shall extend across the boundary of any region.

(2) Subject to any orders made by the Elections Commission under subsection (1), every registration division as constituted under section 5(2) of the National Registration Act shall be a polling division for the purposes of this Act.

c. 19:08

LAWS OF GUYANA

(3) Subject to subsections (4) and (5), there shall be for each division such polling places as the returning officer of the district in which the division is situate, subject to the approval of the Chief Election Officer, may appoint; and each polling place shall bear such numerical or other designation as may be approved by the Chief Election Officer.

(4) Where the Chief Election Officer is satisfied that it is impracticable to appoint a polling place within a division or any part thereof, he may appoint some other place in another division within the same district as a polling place at which electors of the first-mentioned division or that thereof shall be entitled.

(5) The Chief Election Officer shall publish in the *Gazette* later than the 20th day before election day a notice of any polling place appointed under subsection (4).

7. There shall be—

- (a) a Chief Election Officer;
- (b) for each district a returning officer and an election clerk;
- (c) for each polling place a presiding officer, a poll clerk and a counting assistant;
- (d) such deputy returning officers, assistant presiding officers and other staff as may be necessary or desirable for the implementation of this Act.

Election
officers and
staff.
[30 of 1990]

8. (1) Every election officer shall, before performing any of his functions under this Act, take and subscribe an oath in Form 1 before a Justice of the Peace or an election officer.

Oaths.
Form 1.

(2) Every Justice of the Peace and every election officer is authorised and empowered to administer any oath required by or under this Act:

Provided that no election officer shall administer an oath until he has himself taken the oath prescribed in pursuance of subsection (1).

(3) Forthwith upon taking the oath prescribed in pursuance of subsection (1), the returning officer of every district shall establish an office in his district and cause an advertisement to be inserted in a newspaper circulating in the district specifying the place at which he has established his office.

PART II

LISTS OF CANDIDATES

Notice of date for submission of lists.
[16 of 1968
Reg. 6/1973
12 of 1996]

9. The Elections Commission shall, by notice published in the *Gazette*, appoint the day, being a day not later than the 32nd day before election day, on which lists of candidates may be submitted to the Chief Election Officer; and there shall be included in the notice particulars of the hours between which and the place at which the Chief Election Officer will attend to receive the lists.

Chief Election Officer to receive lists.

10. The Chief Election Officer shall attend in accordance with the notice given under section 9 to receive the lists of candidates; and no list shall be received at any other time or place.

Requirements of lists.
[16 of 1968
Reg. 32/1964
Reg. 6/1973
O. 50/1980
O. 68/1980
22 of 1997
15 of 2000
2 of 2001]

11. (1) A list of candidates comprising registered voters who are eligible to be members of the National Assembly may be submitted by not less than three hundred and not more than three hundred and thirty persons for national top-up lists, and for each geographical constituency not less than one hundred and fifty and not more than one hundred and seventy-five persons whose names appear at the time of submission on the preliminary list mentioned in section 2(3), whether or not that list has at that date been modified as required by that section and shall be handed together with one copy thereof to the Chief Election Officer by the representative or the deputy representative of the list or by two of the persons named as candidates on the list at the time and place appointed; and the Chief Election Officer shall forthwith cause the copy of the list to be posted in a conspicuous place outside his office.

Form 2.

(2) A list of candidates shall be in Form 2; and the submission shall bear the signature of each person submitting the same together with his name and the serial number of his registration card:

LAWS OF GUYANA

18

Cap. 1:03

Representation of the People

Provided that if any such person is unable to sign his name, his mark, made against his name written by some other person, shall be deemed to be his signature for the purposes of this paragraph but not for the purposes of section 12.

(3) A list of candidates shall set out the names, one below the other in such order as each party may determine of the surnames and other names of at least 42 persons who are qualified to be elected to the National Assembly and who have consented to the inclusion of their names in the list as candidates for election, together with the address and occupation of each such person.

(4) Each list of candidates shall be accompanied by a statutory declaration, in Form 3, by each person named therein as a candidate of his qualifications and consent, made before a justice of the peace, commissioner of oaths, notary public or other person authorised by law to administer an oath in the place where the declaration is made.

Form 3.

(5) Each list of candidates shall bear a title selected by the persons by whom it is submitted.

(6) Subject to section 11B, no person shall be a candidate on more than one list of candidates and no person shall be a signatory to more than one list.

(7) For the avoidance of doubt it is declared that a person may be a signatory to a list of candidates notwithstanding that he is named therein as a candidate.

(8) Stamp duty shall not be chargeable on any statutory declaration made for the purposes of this section.

(9) In the event of the name of the person designated by any list of candidates as a Presidential candidate being deleted pursuant to section 21 from the list—

- (a) the representative of the list; or
- (b) if there is no representative or if the representative is

LAWS OF GUYANA

unwilling or unable (by reason of absence, illness or any other cause) to act, the deputy representative of the list; or

(c) in the case of any such unwillingness or inability on the part of the deputy representative or if there is no deputy representative, a majority of persons named as candidates in the list may designate in writing any such person able and willing to act, who

shall forthwith and before election day, by written notice signed by him and delivered to the elections Commission, amend the list by designating any person name remains as a candidate on the list as the Presidential candidate designated by that list.

(10) On receipt of any notice of amendment pursuant to subsection (9), the Elections Commission shall forthwith and before elections day give public notice of the amendment in such manner as it may in all the circumstances deem the most practicable and with effect from the time when such notice is given the new Presidential candidate specified in the notice shall be the Presidential candidate designated by that list.

Requirements
for geographical
constituencies
[2 of 2001]

11A (1) The National Assembly shall contain at least sixty-five elected members, and their election shall be on a party lists basis to which the system of proportional representation shall be applied; in this section and in section 11C the representation referred to is known as the largest remainder system using the “Hare quota”.

(2) Guyana shall be divided in ten geographical constituencies for the purpose of electing members of the National Assembly from each geographical constituency.

(3) Each of the ten regions of Guyana constituted as a registration district and a polling district under the Local Democratic Organs (Regional Democratic Councils) Order 1980 shall be deemed to be a geographical constituency.

LAWS OF GUYANA

(4) The ten geographical constituencies shall elect twenty-five of the members of the National Assembly. The number of members to be elected from each geographical constituency mentioned in the first column of the Table below shall be as shown in the corresponding entry in the second column of the Table.

TABLE

| GEOGRAPHICAL CONSTITUENCIES | NUMBER OF MEMBERS OF THE NATIONAL ASSEMBLY ELECTED |
|-----------------------------|--|
| No. 1 | 2 |
| No. 2 | 2 |
| No. 3 | 3 |
| No. 4 | 7 |
| No. 5 | 2 |
| No. 6 | 3 |
| No. 7 | 2 |
| No. 8 | 1 |
| No. 9 | 1 |
| No. 10 | 2 |

(5) The remaining elected members of the National Assembly shall be chosen from lists supplied by contesting parties and such list shall be designated “national top-up lists”

Characteristics that party lists must satisfy.

11B (1) Each party shall contest in a minimum of six of the ten geographical constituencies, and shall also satisfy the criterion that a contesting party is contesting at least thirteen of the twenty-five seats specified in section 11A (4) in respect of the geographical constituencies.

(2) Each party shall submit, for each geographical constituency in which it is contesting the general election, a list of names of persons qualified to be elected to the National Assembly; and each

such list shall comprise two more names than the number of members of the National Assembly specified in section 11A (4) for the specific geographical constituency for which the list is submitted.

(3) Each party shall submit a national top-up list, separate and distinct from lists relating to geographical constituencies, comprising at least forty-two names of persons qualified to be elected to the National Assembly, and the party's Presidential Candidate shall be so identified on, and only on, its national top-up list.

(4) Each party may duplicate names on its geographical constituency lists and its national top-up list, subject to the following provisions-

(a) a candidate's name can appear on only one geographical constituency list;

(b) a candidate's name can appear on only one party's lists;

(c) a candidate's name can appear on a geographical constituency list and also on the national top-up list of a party, but if the candidate is allocated a seat based on the results in a geographical constituency that candidate's name cannot also be extracted from the national top-up list, and **vice versa**, for membership of the National Assembly.

(5) The total number of females on each party's national top-up list shall be at least one-third of the total number of persons on that list.

(6) The total number of females on any party's lists for geographical constituencies, taken together, shall be at least one-third of the total number of persons on those lists taken together for the geographical constituencies in which that party is contesting.

(7) There shall be no more than twenty percent of the number of geographical constituencies in which a party is contesting for which the party's geographical constituency list contain no female.

(8) In the extraction from the lists and declaration of names of the candidates who have been elected account shall be taken-

(i) of the total number of females on each party's national top-up lists and the lists for geographical constituencies, taken together, being at least one-third of the number of persons on those lists as mentioned in paragraphs (5), (6) and (7); and

(ii) of the proportion that women formed of the electorate.

(9) The order in which a party states the names of candidates on its lists shall be as the party deems fit.

Voting and
allocation of
seats in the
National
Assembly
[2 of 2001]

11C .(1) Every elector shall have only one vote which shall be cast in the geographical constituency in which he is registered and votes in respect of the list of his choice, and that vote shall be counted to determine the outcomes of both the election for that geographical constituency and for the country taken as a whole: a vote for a party's geographical constituency list is simultaneously a vote for that party's national top-up list.

(2) Within each geographical constituency, the seats allocated to a party for membership of the National Assembly from the geographical constituency shall be determined by application of the system of proportional representation to the valid votes cast in that geographical constituency in relation to the total number of seats being contested in that geographical constituency, thereby allocating to parties the twenty-five seats under section 11A(4).

(3) Subject to the proviso to subsection (5) for the country taken as a whole, the total seats allocated to a party for membership of the National Assembly shall be determined by application of the system of proportional representation to the valid votes for parties countrywide in relation to the sixty-five elected seats of the National Assembly.

(4) For each geographical constituency, each party shall extract from its geographical constituency list the candidates to become members of the National Assembly on the basis of the seats allocated under subsection allocated under subsection (2)

(5) The number of seats in the National Assembly that is additional to the number of seats allocated to a party from the geographical constituencies as determined under subsection (2) shall be determined by subtracting the number determined under subsection (2) from the total number of seats that is to be allocated to the party under subsection (3):

“Provided that in the event that the arithmetical calculations of total seats allocated to a party for membership of the National Assembly in accordance with subsection (3) produce the result that a party is allocated a fewer number of seats than those it has already obtained on the basis of the calculations that are in accordance with subsection (2), the allocations based on the distribution of sixty-five seats shall be made; the number of geographical constituency seats already allocated to parties shall not be charged, thereby maintaining the total number of geographical constituency seats at twenty-five; the total number of elected members of the National assembly shall be increased to accommodate the allocations of the number of non-geographical members and no further calculation based on the increased size of the Assembly shall be done.”

(6) Each party shall extract from its national top-up list candidates who together comprise the additional number of seats allocated to the party under subsection (4), provided that the provisions in section 11B(4) (c) are observed.”

LAWS OF GUYANA

12. (1) The persons submitting a list of candidates may nominate one of their number as representative of the list and another as deputy representative, both of whom shall be candidates named in that list, and—

Representatives
of lists.
[16 of 1968]

(a) where neither a representative nor a deputy representative is so nominated, the persons (other than persons who are not candidates) whose signatures appear first and second in the submission shall be deemed to have been nominated as representative and deputy representative respectively;

(b) where a representative is not so nominated, the person nominated as deputy representative shall be deemed to have been nominated as representative and the person (other than the person nominated as deputy representative and persons who are not candidates) whose signature appears first in the submission shall be deemed to have been nominated as

deputy representative; and

(c) where a deputy representative is not so nominated, the person (other than the person nominated as representative and persons who are not candidates) whose signature appears first in the submission shall be deemed to have been nominated as deputy representative.

(2) Notwithstanding anything in this Act or in any other written law-

(i) the provisions of subsection (1) shall apply *mutatis mutandis* to the national top-up list;

(ii) the representative of the national top-up list may serve as representative of-

(a) each of the list for the ten geographical constituencies; and

(b) each of the lists for the ten regional democratic councils

13. On receipt of the lists of candidates the Chief Election Officer shall examine them for the purpose of ascertaining whether they have been submitted in accordance with section 11 or section 11A as the case may be, and shall, after examination, deliver them to the Commission together with his report thereon.

Examinations
of lists.
[16 of 1968
15 of 2000]

14. (1) If it appears to the Commission that a list of candidates is defective, that is to say, that the list or its submission does not comply in all respects with the requirements of section 11(1), (2), (3), (4) and (5) or section 11B or bears a misleading title, the Chief Election Officer shall, not later than the 30th day before election day, so inform the representative and the deputy representative of the list, specifying the defects:

Defective lists.
[16 of 1968
Reg. 6/1973
15 of 2000]

Provided that if the list does not bear a title the Commission may, if it seems to it just and proper to do so, instead of treating the list as defective, allocate a title thereto.

(2) If the name of any person appears as a candidate on two or more lists of candidates the Chief Election Officer shall—

LAWS OF GUYANA

(a) not later than the 30th day before election day inform the representatives and deputy representatives of the lists concerned;

(b) delete the name of that person from any list on which the Commission are satisfied he did not consent to the inclusion of his name;

(c) delete his name from each list on which it appears if the Commission are satisfied that he consented to the inclusion of his name on more than one list.

(3) If the name of any person appears as a signatory to the submission of more than one list, his signature shall be inoperative on any list other than the one first delivered to the Chief Election Officer and the Chief Election Officer shall delete his name from each other list, and if by reason of such deletion it appears to the Commission that any list is defective in that in the case of the national top-up lists there remain less than three hundred signatories thereto or in case of a geographical constituency there remain less than one hundred and fifty of the registered voters as signatories thereto, such list shall be treated as defective.

Corrections to lists.
[16 of 1968
Reg. 6/1973]

15. The representative and deputy representative of a list of candidates, or either of them, may, not later than the 29th day before election day, submit to the Chief Election Officer corrections of any defects in the list (whether or not those defects are defects which have been notified under section 14); and the Chief Election Officer shall forward the corrections to the Commission together with his report thereon.

Applications for symbols.
[16 of 1968
Reg. 6/1973]

16. (1) The representative and deputy representative of a list of candidates, or either of them, may, not later than the 32nd day before election day, make application in writing addressed to the Chief Election Officer for the allocation of a symbol which shall be a symbol approved by the Commission.

(2) Applications for symbols shall be considered by the Commission in the order in which they have been received but no right shall be conferred by priority of application to the allocation of the symbol for which application is made or for any particular symbol.

17. (1) Subject to section 18 no list of candidates shall be valid unless it has been approved by the Commission not later than the 28th day before election day.

Approval of lists.
[16 of 1968
Reg. 6/1973
O. 50/1980]

(2) If it appears to the Commission that a list of candidates is not defective or that defects in it have been cured by corrections submitted in accordance with section 15, they shall approve it and allocate thereto such symbol as they in their discretion decide; and if it appears to the Commission that a defective list has not been so corrected, they shall refuse to approve it.

(3) Not later than the 28th day before election day, the Commission shall notify the representative and deputy representative of each list that the list is or is not approved and shall publicly declare the titles of the approved lists and the names of candidates thereon.

(4) The refusal of the Commission to approve a list shall not be called in question in any court except by appeal under section 18, and the approval of a list by the Commission shall not be called in question in any court except in accordance with a law made under article 163 of the Constitution.

18. (1) Where the Commission have refused to approve a list of candidates, the representative and deputy representative of the list, or either of them, may, not later than the 26th day before election day, appeal to the High Court against such refusal.

Appeal against refusal of approval.
[16 of 1968
Reg. 6/1973]

(2) The High Court shall hear the appeal and deliver judgment within such time before election day as will enable the Commission duly to comply with the requirement of section 19 relating to publication of the list; and the judgment of the court shall not be subject to appeal.

(3) The court may—

LAWS OF GUYANA

28

Cap. 1:03

Representation of the People

- (a) dismiss the appeal; or
- (b) approve the list to which the Commission have refused to give their approval; or
- (c) approve that list with such modifications as to the court may seem just;

and when the court approves a list, with or without modification, the list as approved by the court shall have effect as if it had been approved by the Commission under section 17.

Publication of lists.
[16 of 1968
Reg. 6/1973

19. The Commission shall, not later than the 23rd day before election day, cause to be published in the *Gazette* the titles and symbols of the lists approved by them or the High Court and the names of the candidates on those lists and may cause such further publication of the same, for the information of electors, as the Commission considers desirable.

Withdrawal of lists

20. A list of candidates may be withdrawn by notice in writing addressed to the Chief Election Officer and signed by both the representative and deputy representative of the list:

Provided that a list shall not be withdrawn after the Commission have notified the representative and deputy representative thereof that it has been approved.

Death or withdrawal of candidate.
[16 of 1968
Reg. 6/1973

21. (1) If a person whose name is included in a list of candidates which has been submitted to the Chief Election Officer dies or, by notice in writing signed by him and addressed and delivered to the Chief Election Officer, withdraws his candidature, his name shall be deleted from the list and, if the list has already been published under section 19, the Commission shall cause notification of the deletion to be published in like manner:

Provided that no such notice shall be delivered as aforesaid after the 31st day before election day.

(2) The deletion of the name of any candidate by reason of his death from any list of candidates after its approval by the Commission shall not render the list defective; and correction of any defect caused

by deletion of a dead candidate's name from any list of candidates may, notwithstanding anything to the contrary provided in section 15, be submitted at any time before the approval of such list:

Provided that where, by reason of any deletion first mentioned in this paragraph no names remain on a list of candidates, such list shall cease to have effect.

22. (1) Subject to subsection (2), two or more lists of candidates shall be joined for the distribution of seats (but not for the purpose of voting) if the representative and deputy representative of each list to be so joined gives notice accordingly in writing to the Chief Election Officer not later than the 25th day before election day; and lists so joined are hereinafter referred to collectively as a combination of lists.

Joinder of lists.
[16 of 1968
Reg. 6/1973]

(2) No list of candidates shall be included in more than one combination of lists and if any notice given under subsection (1) would, if given effect, result in a contravention of this section, that list shall not be included in any combination of lists.

(3) The Commission shall cause a notification of combinations of lists to be published not later than the 23rd day before election day in the *Gazette* and may cause such further publication of the same, for the information of electors, as the Commission considers desirable.

PART III

AGENTS

23. (1) The representative of each list of candidates shall not later than the 32nd day before election day give notice in writing to the Chief Election Officer appointing himself or some other person to be the election agent of the candidates in the list and if the appointment of an election agent is revoked or the election agent dies and no further appointment is made, the representative of the list of candidates shall be deemed to have been appointed to be the election agent of the candidates.

Appointment of election agents.
[Reg. 6/1973]

LAWS OF GUYANA

(2) The Chief Election Officer shall cause a notice to be published in the *Gazette* of the name and address of the person appointed or deemed to be appointed as election agent.

Appointments
of assistant
agents,
counting
agents and
polling agents.

24. (1) An election agent may appoint—

- (a) an assistant agent for each district;
- (b) a counting agent for each district;
- (c) a polling agent for each polling place.

(2) Notice in writing of every appointment of an assistant agent, counting agent and polling agent, stating the name and address of the person appointed shall be given not later than the 7th day before election day by the election agent to the returning officer of the district for which the assistant agent or counting agent is appointed or in which is situate the polling place for which the polling agent is appointed.

(3) The returning officer shall upon receiving a notice of an appointment of an assistant agent give public notice of the name and address of the person appointed.

(4) There shall not be, at the same time, more than one assistant agent or more than one counting agent of a group of candidates for any one district nor shall there be more than one polling agent of that group for any one polling place.

(5) Upon the revocation of the appointment of or upon the death of an assistant agent, counting agent or polling agent the election agent shall forthwith give notice in writing thereof to the returning officer to whom notice of appointment was given and shall give notice in writing of any further appointment made in accordance with subsection (2):

Provided that the appointment of an assistant agent, counting agent or polling agent shall not be vacated solely by reason of the revocation of the appointment or the death of the election agent who appointed him.

(6) Nothing in this section shall preclude the appointment of a person as an assistant agent for two or more districts or as polling agent for two or more polling places or as both assistant agent and counting

agent, or as both assistant agent and polling agent, or as both counting agent and polling agent, or as assistant agent, counting agent and polling agent.

25. (1) Every election agent may act, in relation to any matter required to be done in any district, by the assistant agent for that district; and anything done for the purposes of this Act by an assistant agent in his district shall be deemed to have been done by the election agent.

Actions of assistant agents, polling agents and counting agents.

(2) Any act or default by an assistant agent which, if he were an election agent, would be an illegal practice or other offence against this Act, shall be an illegal practice or other offence against this Act committed by the assistant agent who shall be liable to punishment accordingly.

(3) Where in this Act any action or thing is required to be done in the presence of candidates, polling agents or counting agents, the non-attendance of any such candidate, polling agent or counting agent at the time and place appointed for the purpose shall not, if any act or thing is otherwise properly done, invalidate the act or thing done.

26. Where any corrupt or illegal practice or any illegal payment, employment or hiring, or other offence under this Act, is proved to have been committed by an election agent or assistant agent with the consent or connivance of a candidate, such candidate shall also be deemed to have been guilty of such corrupt or illegal practice or illegal payment, employment or hiring or other offence.

Liability of candidates for offences by election agents.

PART IV

ENTITLEMENT TO VOTE

27. (1) An elector shall be entitled to vote in a polling place at an election if he complies with this Act and with requirements made and directions given thereunder and if the presiding officer of the polling place at which he applies for a ballot paper is satisfied as to the matters specified in section 79(1).

Electors to have one vote and to vote in person.
[16 of 1968]

LAWS OF GUYANA

(2) No person shall be entitled to vote in a polling place at an election unless he is entitled to do so under subsection (1).

(3) Every elector who votes at an election shall, subject to the provisions of this Act relating to voting by proxy and to the marking of ballot papers on behalf of blind and incapacitated electors, vote at a polling place in person.

(4) Without prejudice to the provisions of this Act relating to voting as a proxy and to the marking of ballot papers on behalf of blind and incapacitated electors, no elector shall vote more than once at the election.

Voting to be at polling place where elector's name displayed. [16 of 1968 Reg. 6/1973 16 of 1985]

28. An elector shall be entitled to vote (whether in person or as a proxy on behalf of another elector) at the polling place where is displayed in pursuance of section 36 the official list of electors or part thereof, as the case may be, on which his name appears; and no elector shall, subject to section 29, be entitled to vote (either in person or as a proxy on behalf of another elector), at any other polling place.

Right of electors in certain cases to vote at other polling places. [16 of 1968 O. 50/1980 O. 80/1980 12 of 1996]

29. (1) The Elections Commission may by notice published in the *Gazette* specify divisions or groups of divisions to which subsections (2) and (3) shall apply:

Provided that divisions which form part of different districts shall not be grouped together.

(2) An elector whose name appears on the official list of electors of a division which is one of a group of divisions specified by the Elections Commission by notice under this section may vote at any polling place in that group of divisions.

(3) An elector whose name appears on the official list of electors of a division which is specified by the Elections Commission by notice under this section may vote at any polling place in that division.

(4) An elector who, in the district in which his address as entered in the official list of electors affixed under section 34(2)(a)(iv) is situate is employed as an election officer, member of the Police Force or of the Guyana Defence Force for a purpose connected with the election at a polling place other than that where his name is displayed under section 28 may vote at that polling place if, not later than the day before election day, he obtains from the returning officer of that district a certificate under his hand, in Form 4, authorising him to vote at that polling place, which certificate shall state the name of the elector, the number of his identity paper and the fact that he is to be so employed.

Form 4.

30. (1) The following electors shall be entitled to vote by proxy at an election—

Entitlement to
vote by proxy.
[16 of 1968
Reg. 21/1968
6 of 1973
16 of 1985]

(a) those unable, or likely to be unable, to go in person to the polling place, at which they are entitled to vote, for any of the following reasons—

(i) the particular circumstances of that person's employment on the election day either as a member of a disciplined force, or as a rural constable, or for a purpose connected with the election, by a returning officer;

(ii) the fact that at the election that person is acting as returning officer for a district other than the district in which his address as entered in the official list of electors is situate;

(iii) the particular circumstances of that person's employment on the election day by the returning officer for a district, other than the district in which his address as entered in the official list of electors is situate, for a purpose connected with the election in that district;

(iv) the fact that that person is an employee of the Transport and Harbours Department engaged in running a vessel on the election day;

(b) a candidate at the election, where he is unable, or likely to be unable, to go in person to the polling place at which he is entitled to vote, by reason of being engaged in any activity connected with the election in a district other than the district in which that polling place is situate;

LAWS OF GUYANA

(c) those unable, or likely to be unable, by reason either of blindness or any other physical incapacity, to go in person to the polling place or, if able to go, to vote unaided.

(2) Not more than one person shall be appointed to vote as a proxy on behalf of any one elector.

(3) No person shall be appointed to vote as a proxy—

(a) on behalf of another elector unless he is himself an elector who is entitled to vote at the same polling place as that at which the elector on whose behalf his appointment is sought is entitled to vote;

(b) for more than two electors.

(4) An elector voting as a proxy on behalf of another elector so shall do at the same polling place and at the same time as he votes on his own behalf.

Application for appointment of proxy.
[16 of 1968]
Form 5.

31. Every application for any such appointment of an elector to vote as proxy at an election shall—

(a) be in writing in Form 5;

(b) be addressed to the returning officer of such district as shall comprise the division in which the applicant's name is displayed under section 34(2)(a)(iv), and be sent to that officer so as to be received by him not later than the 10th day before election day;

(c) be accompanied by the consent in writing of the elector, named as proxy therein to his appointment.

Notice of appointment as proxy and list of proxies.
[16 of 1968
22 of 1997]
Form 6.

32. (1) If a returning officer is satisfied that an application for the appointment of another elector to vote as a proxy on behalf of the applicant has been duly submitted in accordance with section 31 and that the person whose appointment is sought is entitled to vote as a proxy on

LAWS OF GUYANA

behalf of the applicant and consents to his appointment, he shall issue to that person a notice of appointment as a proxy in Form 6 and shall notify the applicant accordingly.

[15 of 2000]

(2) If the returning officer refuses the application he shall notify the applicant of his refusal and of his reasons therefor.

(3) The returning officer of each district shall keep a list of proxies which shall be in Form 7 and shall set out the names, addresses and the serial numbers of the registration cards of the electors for whom the proxies have been appointed and of the electors who have been appointed to vote as proxies on their behalf; and the returning officer shall on the request of an election agent allow him, on the 4th day before election day, to inspect and copy the list.

Form 7.

33. An elector may cancel the appointment of another person to vote as a proxy on his behalf by giving notice in writing in Form 8 addressed and sent to the returning officer who issued the notice of appointment so that the notice of cancellation is received by the returning officer not later than the 10th day before election day; and thereupon the notice of appointment shall be void and the returning officer shall—

Cancellation of appointment as proxy. Form 8.

(a) so notify the elector whose appointment as a proxy is cancelled;

(b) delete the names of both electors from the list of proxies.

PART V

PREPARATION FOR THE POLL

34. (1) Not later than the 20th day before election day the returning officer of each district shall give a notice of poll which shall be in Form 9 and which shall specify—

Notice of poll. [Reg. 6/1973 16 of 1985 12 of 1996] Form 9.

(a) the day on and the hours between which the poll will be taken; and

(b) the situation of each polling place in the district.

LAWS OF GUYANA

(2) Not later than the 14th day before election day the returning officer shall—

(a) cause to be affixed to one building in each division of his district the following:

- (i) a copy of the notice of poll;
- (ii) a copy of each list of candidates published in accordance with section 19;
- (iii) notification of joinder of any such lists; and
- (iv) a copy of the official list of electors for that division;

(b) cause such further publication of such lists and notification as he may think desirable to bring their contents to the attention of electors in his district.

(3) The hours between which the poll shall be taken shall be from 6 o'clock in the forenoon until 6 o'clock in the afternoon at all polling places in all districts unless the Elections Commission shall prescribe different hours, being twelve consecutive hours, for any polling place.

(4) Nothing in subsection (2) shall be construed as precluding the returning officer from annexing to the copy of the official list of voters affixed under that subsection copies of such supplementary lists as are mentioned in section 2(4).

Division of
official list of
electors.
[16 of 1968]

35. Where more than one polling place is established for any division the returning officer of the district in which the division is situate shall apportion in such manner as he thinks fit, between the polling places so established, the entries in the official list of electors for that division and shall compile such lists of electors as comprise the entries allotted to such polling places, respectively; and each list so compiled shall be regarded and dealt with as a part of the said official list.

Display of
lists at polling
places.
[16 of 1968
O. 68/1980]

36. The returning officer for each district shall cause to be displayed at every polling place therein a copy of the official list of electors for the division in which that polling place is situate or, as the case may be, a copy of such part of the said list as has been allotted to that polling place under

section 35 and the foregoing provisions of this section shall apply *mutatis mutandis* in the case of any polling place established under subsections (4) and (5) of section 6.

37. The returning officer of each district shall before election day cause every polling place in his district to be provided with—

Preparation of polling places.
[16 of 1968]

(a) such doors, barriers, tables, chairs and other conveniences as are necessary or desirable, or as the Chief Election Officer may direct, for the purpose of implementing this Act;

(b) such number of compartments as are necessary or desirable and in which electors can vote free from observation.

38. The Chief Election Officer shall cause to be printed in Forms 10, 11 and 12 and sent to the returning officer of each district before election day a sufficient number of the following documents—

Printing of directions for voting and ballot papers.
Form 10.
Form 11.
Form 12.

(a) directions for voting;

(b) ballot papers;

(c) tendered ballot papers.

39. (1) Every such ballot paper shall—

Requirements of ballot papers.
[16 of 1968]

(a) contain, serially numbered on the left hand side and in alphabetical order of the initial letters of the title of each list of candidates, the initial letters, title and symbol of each list of candidates;

(b) be capable of being folded up;

(c) be attached to a counterfoil bearing, printed on the face, a serial number and the words and dots “Elector’s number

(2) In the printing of the ballot paper—

(a) no letter, word or design shall be printed on the face except the initial letters, titles and symbols of the lists of candidates;

(b) no rule shall be printed on the face except the horizontal

rules separating the particulars of the lists of candidates from one another and the vertical rules separating those particulars from the numbers on the left hand side and from the spaces on the right where the symbols are shown and separating the spaces for symbols from the spaces on their right where the vote is to be marked;

(c) the whole space between the top and bottom of the paper shall be equally divided between the lists of candidates by rules separating their particulars;

(d) the initial letters of each list of candidates shall be printed in large capitals and the full titles of each list in small capitals.

(3) Tendered ballot papers shall be of a different colour from ordinary ballot papers but, subject to such difference of colour, this section shall apply to tendered ballot papers as it does to ordinary ballot papers.

Requirements
of ballot paper
for geographic
constituencies.
[15 of 2000]

39A (1) Every ballot paper for a geographical constituency shall

(a) contain, serially numbered on the left hand side, and in alphabetical order of the initial letters of each list of a contesting party, the title and symbol of each contesting party; but the serial numbering on the ballot paper under paragraph (a) and the serial numbering on the counterfoil, under paragraph (c) shall be done in such a manner as to ensure that the two sets of serial numbers cannot be correlated;

(b) be capable of being folded;

(c) be attached to a counterfoil bearing, printed on the face, a serial number and the words and dots-

“Elector’s No.in the Official List”.

(2) In the printing of the ballot paper-

(a) no letter, word or design shall be printed on the face except the initial letters, title and symbol of the contesting parties;

(b) no rules shall be printed on the face except the horizontal rules separating the particulars of the contesting parties from one another

and the vertical rules separating those particulars from the numbers on the left hand side and from the spaces on the right where the symbols are shown and separating the spaces for symbols from the spaces on their right where the vote is to be marked;

(c) the whole space between the top and the bottom of the paper shall be equally divided between the contesting parties by rules separating their particulars;

(d) the initial letters of each contesting party shall be printed in large capitals and the full titles of each in small capitals.

(3) The symbols shall be printed between the party's particulars and the vertical rule separating the parties' particulars from the spaces where the vote is to be marked.

(4) Tendered ballot papers shall be of a different colour from ordinary ballot papers but, subject to difference of colour, this section shall apply to tendered ballot papers as it does to ordinary ballot papers.

(5) The ballot paper shall be in Form 11 in the Schedule.

Supplies of
election
material.
[16 of 1968
O. 68/1980]

c.2:02

40. (1) The returning officer of each district shall supply to every presiding officer in his district the following—

(a) a sufficient number of ballot papers and tendered ballot papers, together with a statement showing the numbers supplied and their serial numbers;

(b) a sufficient number of copies of the directions for voting;

(c) a sufficient number of copies of this Act (including any amendments made thereto for the purpose of holding any election pursuant to article 60(2) of the Constitution but not yet incorporated in the text thereof as published in any revision thereof made pursuant to the Law Revision Act;

(d) a sufficient number of copies of the official list of electors or part thereof, as the case may require, containing the names of the electors entitled to vote at the polling place;

(e) a sufficient number of copies of the list of proxies;

(f) a ballot box end materials for affixing thereto or stamping thereon the seal of the presiding officer;

(g) the several forms of oaths to be administered to electors;

(h) a poll book;

(i) the necessary envelopes and such other forms, documents and supplies as may be authorised by, or furnished at the direction of, the Chief Election Officer;

(j) a sufficient number of copies of each list of candidates published in accordance with section 19.

(2) The ballot box shall be of convenient size and so constructed that the ballot papers can be placed therein, but cannot be withdrawn therefrom, without the box being unlocked.

(3) The poll book shall be in Form 13.

Form 13.

41. The presiding officer of each polling place shall before the opening of the poll post up in a conspicuous position outside the polling place a copy of—

Display of lists of candidates and directions for voting.

- (a) the directions for voting;
- (b) the lists of candidates published in accordance with section 19.

42. The presiding officer of each polling place shall, until the opening of the poll, keep the documents supplied to him in pursuance of section 40 (other than those required to be posted up by section 41) locked in the ballot box or other depository and shall take every precaution to prevent any person having unauthorised access thereto.

Safe custody of election material.

43. Section 12 of the National Registration Act shall apply in relation to every person who is an elector but, in such application, shall have effect as if—

Application of section 12 of the National Registration Act c. 19:08 [16 of 1968 Reg. 30/1968 22 of 1997 15 of 2000]

- (a) the words, “and cause them to be issued in such manner as he thinks fit to,” had been deleted therefrom; and
- (b) the words “and shall cause every such registration card to be issued in such manner as the Commissioner thinks fit to the person for whom it has been prepared, or to be made available for his procurement in such manner as the Commissioner may specify by notice published in the *Gazette*” had been inserted immediately after the word “Act” therein:

Provided that if the Commissioner of Registration finds it for any reason impracticable—

LAWS OF GUYANA

42

Cap. 1:03

Representation of the People

(a) for a print of the photograph of any elector to be affixed to such identification card of that elector as may be required for the purposes of this Act;

c.19:08

(b) for any such identification card of an elector as aforesaid to be prepared in conformity with regulation 20(2)(b) of the National Registration (Residents) Regulations;

the lack of any such print or preparation, as the case may be, shall not invalidate the identification card for the said purposes.

PART VI

PREPARATION FOR NON-RESIDENT ELECTORS' BALLOT

Interpretation
of Part VI.
[Reg. 25/1968
Reg. 6/1973
16 of 1985
3 of 1991]

44. (1) In this Part—

“ballot officer” means

(a) an ambassador or High Commissioner resident in any country and representing Guyana therein;

(b) any person appointed to be a ballot officer in any other country in which an ambassador or High Commissioner is accredited but is not resident therein;

“non-resident elector” means an elector whose name is on the non-resident electors' roll;

“non-resident electors' roll” means the non-resident electors' roll as prescribed by subsection (2).

(2) The non-resident electors' roll shall be the preliminary list of the electors not resident in Guyana comprising the persons specified in subsection (3), prepared before election day in pursuance of section 14 of the National Registration Act or last prepared in pursuance thereof before such day, as the case may be, but with every such modification

c. 19:08

as may be necessary to bring that list into conformity with the central register (to the extent to which it consists of the registration cards of electors aforesaid)—

(a) as altered under section 15(6) of the National Registration Act to give effect to claims and objections finally determined before the said election day;

(b) pursuant to any alteration thereto made under section 8 of the National Registration Act, prior to the date of publication in the *Gazette* under section 19 of the names of candidates, for the purpose of changing the registered address, name or occupation of an elector;

(c) pursuant to the cancellation therein under section 8 aforesaid of an elector's registration effected in contravention of section 11(1) of the National Registration Act, or of relating to an elector who does not exist by reason of death or otherwise ought not to be registered;

and every reference made to the non-resident electors' roll in the provisions hereinafter contained shall, in relation to any time on or before election day, be construed as a reference to such preliminary list as aforesaid with such modifications thereto (if any) as, at that time, shall have been made in conformity with this subsection.

(3) The preliminary list of electors not resident in Guyana shall consist of the names of every elector not resident in Guyana who is—

- (i) an Ambassador or a High Commissioner;
- (ii) the wife or husband or child of an Ambassador or a High Commissioner;
- (iii) a member of the staff of an Embassy or High Commission;
- (iv) the wife or husband or child of a member of the staff of an Embassy or High Commission.

LAWS OF GUYANA

(4) In subsection (2) or (3) reference to a preliminary list is a reference to such list read in conjunction with any supplementary list prepared for a revision of that preliminary list pursuant to regulations made under the National Registration Act for the purpose of showing the aforementioned modifications.

Display of
non-resident
electors' roll.
[3 of 1991]

45. The Chief Election Officer shall cause a copy of the non-resident electors' roll to be displayed for public information, or for the information, of non-resident electors, at every such place as the Commission may appoint by notice published in the *Gazette*.

Printing of
ballot officers'
supplies.
[16 of 1985]

46. The Chief Election Officer shall cause to be printed and supplied to each ballot officer a sufficient number of the following:

- (a) copies of directions for balloting by non-resident electors;
- (b) ballot papers;
- (c) such envelopes and forms as are requisite;

to enable the ballot officer to carry out his functions under this Act; and the Chief Election Officer shall make the necessary arrangements to be provided with a sufficient number of the same for the purpose of carrying out his like functions under Part VII.

Non-resident
electors' ballot
papers.
[16 of 1985]

47. (1) Ballot papers supplied to ballot officers and used by non-resident electors shall be of a different colour from all other ballot papers conforming to the requirements of section 39 but, subject to such difference of colour, shall conform to those requirements in the like manner as such other ballot papers.

(2) Reference in subsection (1) to ballot papers supplied to ballot officers shall be construed to include reference to ballot papers with which the Chief Election Officer is provided under section 46.

Additional
supplies for
ballot officers.
[16 of 1985]

48. In addition to the supplies to be furnished under section 46, the Chief Election Officer shall provide every ballot officer with—

- (a) a sufficient number of copies of this Act;
- (b) a sufficient number of copies of the non-resident electors' roll in so far as it comprises entries relating to

electors resident in the country in which that ballot officer is accredited to represent Guyana or appointed to be a ballot officer, as the case may be;

(c) a statement showing the number of ballot papers supplied to him under section 46(b) and their serial numbers; and

(d) such other documents and supplies as the Chief Election Officer may consider expedient;

for use by that ballot officer in the execution of his functions; and the Chief Election Officer shall record every such statement and the number of ballot papers with which he is provided under arrangements mentioned in section 46 and the serial numbers of the ballot papers so provided.

49. Every officer shall be responsible for the safe custody of all supplies with which he is furnished or provided under section 46 or 48 and shall take every precaution to prevent any person having unauthorised access thereto.

Safe custody of officers' supplies.

PART VII

NON-RESIDENT ELECTORS' BALLOT

50. (1) In this Part—

“ballot attendant” means an officer appointed under section 53(1);

“ballot officer”, “non-resident elector” and “non-resident electors’ roll” shall have the meanings assigned to them, respectively, by section 44.

Interpretation of Part VII. [Reg. 31/1968 16 of 1985 22 of 1997 15 of 2000]

(2) Reference in this Part to the serial number of a non-resident elector shall be construed as reference to the serial number of his registration card.

LAWS OF GUYANA

(3) A ballot officer may exercise any powers, and perform any duties, of a ballot attendant under any provisions of Part VII and references in any such provisions to a ballot attendant shall be construed accordingly with such modifications to the context as may be necessary for the purpose.

Issue of ballot papers to non-resident electors.
[Reg. 6/1973
16 of 1985]

51. Not later than the 14th day before election day, there shall be posted to every non-resident elector—

(a) by such ballot officer as shall be provided under section 48(b) with copies of entries in the non-resident electors' roll which include the name of that non-resident elector; or

(b) in any case where there is no such ballot officer, by the Chief Election Officer;

a sealed envelope, which shall be directed to the non-resident elector at his address appearing on the non-resident electors' roll and shall contain the following—

(i) an unsealed envelope (hereafter referred to in this Part as the addressed envelope) addressed in the name, and to the office, of the officer issuing the same, which shall be recognisable by him on its return as having been issued under this paragraph;

(ii) a declaration of identity in Form 14 which shall bear the serial number of the non-resident elector on its reverse side;

Form 15

(iii) an unsealed envelope (hereinafter referred to in this Part as the ballot envelope) addressed with the words "To the Chief Election Officer" and capable of containing a ballot paper and of being enclosed, together with the last-mentioned form, in the addressed envelope;

Form 15.

(iv) a copy of the directions for balloting by non-resident electors as set out in Form 15;

(v) a ballot paper stamped with the official mark.

Notes of ballot papers issued.
[16 of 1985]

52. Upon issuing a ballot paper to any non-resident elector under section 51, a ballot officer or the Chief Election Officer, as the case may be, shall—

(a) show that a ballot paper has been issued to the non-resident elector, but without showing the particular ballot paper issued, place a mark on such copy of entries in the non-resident electors' roll as shall be used by him for the purposes of this paragraph; and

(b) enter on the counterfoil of the ballot paper the serial number of the non-resident elector.

53. (1) There shall be appointed such number of officers as the Chief Election Officer may consider requisite for the performance in any country of the functions of ballot attendants under this Act.

Ballot
attendants.
[16 of 1985]

(2) The Chief Election Officer shall cause notice of the name and address of every ballot attendant to be published in the *Gazette* and may cause such further publication of the same, for the information of non-resident electors, as the Chief Election Officer considers desirable; and the address of the office of each ballot officer shall be notified under the foregoing provisions of this subsection as being also the address of a ballot attendant.

(3) The ballot attendant at every such office as aforesaid shall permit any person having authority by virtue of section 130(1)(f) for promotion of the election of a group of candidates, and designated in writing by their election agent, to attend the balloting there by non-resident electors in the presence of the ballot attendant and shall afford that person, if and when he attends, all such reasonable facilities for observing the said balloting as that attendant can afford consistently with the orderly conduct of the proceedings, the discharge of his duties in connection therewith and the maintenance of the secrecy of the ballot.

(4) There shall not be more than one person designated as aforesaid by the election agent of each list of candidates to attend at the same office.

54. Every non-resident elector in receipt of the addressed and ballot envelopes, Form 13 and ballot paper issued to him under section 51(i), (ii), (iii) and (v)—

Recording of
non-resident
elector's vote.
[16 of 1985]
Form 13.

(a) may upon satisfying any ballot attendant as to his

.

LAWS OF GUYANA

identity by way of production of his passport, travel document or other proof of such identity, and of the envelope directed to him under section 51, not later than the 9th day before election day—

Form 14

(i) exhibit the said envelopes, Form 14 and ballot paper (unmarked) to the ballot attendant;

(ii) secretly mark and fold the ballot paper in the like manner as provided by section 81(2), enclose it in the ballot envelope and seal that envelope, in the presence of the ballot attendant, but so that the ballot attendant does not observe the said manner of marking the ballot paper; and

(iii) give the ballot envelope so sealed and Form 14 to the ballot attendant, who shall forthwith complete the said Form in the presence of the non-resident elector and issue to him a receipt in Form 16:

Form 16

Provided that—

(a) if the non-resident elector is incapacitated by blindness or other physical cause from personally complying with the foregoing provisions of this paragraph, the ballot attendant may, at the request of the non-resident elector, comply or permit a person appointed by the non-resident elector to comply with any such provisions on his behalf, in his presence and according to his directions;

(b) the person so appointed shall be a non-resident elector, who shall, before the form of declaration is given to the ballot attendant under subparagraph (iii) of this paragraph, endorse on the reverse side of the form a certificate in the following terms:

“I,
(names in block letters)

hereby certify that the non-resident elector whose serial number appears next hereto is physically incapacitated and voted with my assistance rendered at his request.

.....
(Signature)”; or

(b) if he prefers so to do, or if no ballot attendant is available, may—

(i) secretly mark and fold the ballot paper in the like manner as provided by section 81(2) and enclose it in the ballot envelope;

(ii) seal the ballot envelope;

(iii) complete Form 13 and enclose it, together with the ballot envelope, in the addressed envelope for posting under section 55(b).

Form 13.

55. For the purpose of causing the vote recorded by him to be cast in the manner provided by section 62(1), every non-resident elector—

Transmission of non-resident elector's vote to ballot officer.
[16 of 1985]

(a) having complied with section 54(a), shall thereupon surrender to the ballot attendant the addressed envelope exhibited under subparagraph (i) of that paragraph to such attendant, who shall—

(i) forthwith, in the presence of the non-resident elector, enclose therein the ballot envelope, and the declaration in the form, given by him under subparagraph (iii) of the said paragraph and seal the addressed envelope;

(ii) until its delivery to the officer mentioned in the next following subparagraph, keep the addressed envelope so sealed in safe custody and take every precaution to prevent its being opened or unauthorised access being had thereto; and

(iii) be responsible for delivering the addressed envelope not later than the 5th day before election day to the officer to whose office it is so addressed;

(b) having complied with section 54(b), shall seal the addressed envelope containing its enclosures under that paragraph and post it so as to be received by the officer to

LAWS OF GUYANA

whose office it is so addressed not later than the 7th day before election day.

Safe custody
of votes
returned.
[16 of 1985]

56. (1) Each officer to whom the addressed envelope issued by him in pursuance of section 51 (a) or (b) to any non-resident elector is returned as having been duly sealed by a ballot attendant, or as a sealed envelope presumably with enclosures under section 54(b), shall keep it in safe custody, and take every precaution to prevent its being illegally opened or unauthorised access being had thereto, prior to the discharge of his other duties and responsibilities in respect thereof:

Provided that any such envelope returned after the time allowed for its delivery or receipt under section 55(a)(iii) or (b), as the case may be, shall be kept separately from all other such envelopes returned in due time; and every ballot officer to whom any such envelope is returned after the time allowed as aforesaid shall cause it to be delivered to the Chief Election Officer as soon as practicable after such return thereof.

(2) For the purposes of section 148, and without prejudice to the generality of the provisions thereof, every envelope which has been sealed by a ballot attendant under section 55(a)(i), or has been returned to any officer as a sealed envelope mentioned in subsection (1) of this section, shall be deemed to be, until removal of the ballot paper therefrom according to law, a packet referred to in section 148(1)(d).

(3) Where the addressed envelope, form (whether completed or not), marked or unmarked ballot paper and the ballot envelope therefor, or any of the foregoing, issued by any officer in pursuance of section 51(a) or (b) are returned to him in such manner or condition as to preclude the application of subsection (1) in relation thereto, such officer shall nevertheless keep them in safe custody, and take every precaution to prevent unauthorised access being had thereto or any such envelope (if sealed) from being illegally opened, prior to the discharge of his other duties and responsibilities in respect thereof and, if he is a ballot officer, shall cause the same to be delivered to the Chief Election Officer as soon as practicable after their return as aforesaid.

Officers'
responsibili-

57. (1) Each officer referred to in section 56 shall make up into separate packets, sealed with his seal—

- (a) all the addressed envelopes returned to him as mentioned in section 56(1) and to which the proviso to that paragraph does not apply; ties [16 of 1985]
- (b) such copy of entries in the non-resident electors' roll as has been used by him for the purposes of section 52(a);
- (c) the counterfoils with entries made thereon by him under section 52(b);
- (d) any ballot papers with which he was furnished under section 46 and which have not been issued to non-resident electors pursuant to section 51;

- (e) a statement in writing, to be called "the non-resident electors ballot papers account" prepared by him in Form 17, Form 17.

and, if he is a ballot officer, shall deliver such packets, so sealed, not later than the day next preceding election day to the Chief Election Officer and be responsible for their safe custody until such delivery.

(2) The Chief Election Officer shall keep each packet sealed by him under subsection (1)(a), or delivered to him pursuant to compliance with paragraph (a) aforesaid, in safe custody and shall take every precaution to prevent any person from having unauthorised access to it, or from opening it except for the purposes of section 61.

(3) For the purposes of section 148, and without prejudice to the generality of the provisions thereof, each packet made up in pursuance of subsection (1)(a) of this section shall be deemed to be, until it is opened for the purposes of section 61, a packet referred to in section 148(1)(d).

58. (1) Notwithstanding anything in the foregoing provisions of this Part, where any non-resident elector present in Guyana has reason to apprehend his being unable to vote (apart from subsection (4)) on account of his absence from the address to which any sealed envelope is required by section 51 to be directed to him by post, such address being situated outside Guyana, the non-resident elector may apply to the Chief Election Officer for a ballot paper. Balloting by non-resident electors in particular cases. [Reg. 6/1973 16 of 1985]

Form 18.

(2) Such application shall be in Form 18 and shall be posted to the office of the Chief Election Officer so as to be received by him not later than the 7th day before election day.

(3) Unless the Chief Election Officer is not satisfied as to the identity of the applicant upon comparison of his signature with that of the said non-resident elector on his registration card, which shall be made available for the purpose by the Commissioner of Registration, the Chief Election Officer shall grant the application and comply with sections 51 and 52, whether or not previously complied with, in relation to that non-resident elector as if—

(a) for the reference in section 51 to the 14th day before election day there had been substituted a reference to the 5th day before election day; and

(b) his address appearing in the non-resident electors' roll were, by virtue of section 44(2)(b), such address in Guyana as shall be given by him in the said application.

(4) Where a non-resident elector is in receipt of a sealed envelope directed to him at an address in Guyana by virtue of the last preceding subsection, sections 54 and 55 apply in relation to such non-resident elector as if—

(a) reference in section 54(a) to proof of identity in lieu of (but not in so far as it may be requisite in addition to) a passport or travel document had been omitted;

(b) for every reference in section 54 or 55 to a ballot attendant there had been substituted a reference to the returning officer for the district in which that non-resident elector's address given as mentioned in subsection (3)(b) is situated;

(c) for the reference in section 54(a) to the 9th day before election day there had been substituted a reference to the second day next before election day;

(d) for the reference in section 55 to the 5th day before election day there had been substituted a reference to election

day:

Provided that section 54(b) or 55 does not apply to any non-resident elector in receipt of a sealed envelope directed to him as aforesaid.

(5) For the purposes of section 56(2), a returning officer acting by virtue of subsection (4)(b) of this section shall be deemed to be a ballot attendant.

(6) Where after the 10th day before election day a non-resident elector who apprehends his being unable to vote, apart from this subsection, on account of no ballot paper having been received by him, satisfies as to his identity the ballot attendant at the office of any ballot officer required to have issued a ballot paper to the non-resident elector that ballot officer shall cause such a sealed envelope as is mentioned in section 51 to be thereupon handed to the non-resident elector and this Act applies to the envelope so handed to the non-resident elector and its contents as if they had been posted to him by the ballot officer not later than the 14th day before election day:

Provided that—

(a) section 54(b) or 55 does not apply as aforesaid and no ballot attendant, other than the ballot attendant so satisfied, shall be deemed referred to by subsection (a) of either such section in its application as aforesaid;

(b) the addressed envelopes duly returned to the ballot officer by virtue of the foregoing provisions of this paragraph shall be parcelled together, separately from the other enclosures, in his packet containing addressed envelopes under section 57(1)(a).

59. (1) The provisions of the following sections of this Part shall be executed at such place in Guyana, and during such period commencing on election day, as may be specified by the Chief Election Officer by notice published in the *Gazette* and no person, other than—

(a) the Chief Election Officer and such staff appointed under section 7(d) as he may designate to assist him in the

Time and place
for casting
non-resident
electors' votes.
[Reg. 32/1968
O. 68/1980
12 of 1996
15 of 2000]

execution of those provisions;

(b) members of the Commission;

(c) candidates appointed under subsection (2);

(d) election agents;

(e) members of the Police Force, the Guyana Defence Force and the bodies known as the Guyana National Service and the Guyana People's Militia on duty;

(f) such other persons as, in the opinion of the Chief Election Officer, have good reason to be present,

shall be present at the execution of any such provisions:

Provided that notwithstanding anything provided by any law or specified as aforesaid, but without prejudice to section 4, the execution of the provisions of the following sections of this Part may, in so far as the Chief Election Officer finds necessary for the purpose of ensuring the casting of the votes of non-resident electors duly delivered to him in accordance with this Act, be continued and completed after the expiration of the said period whether it expired during or with election day.

(2) The election agent of each group of candidates may appoint one of the candidates for the purposes of subsection (1)(c).

(3) Notice in writing of such appointment, stating the name and address of the candidate, shall be signed by the election agent and delivered to the Chief Election Officer not later than the 7th day before election day.

(4) There shall not be more than one candidate appointed from the same list of candidates for the said purposes.

60. At the commencement of the period mentioned in section 59, the Chief Election Officer shall—

(a) open a ballot box, which shall conform to the requirements of section 40(2) but shall not be used for the purpose of casting the votes of any electors other than non-resident electors;

Commence-
ment of
proceedings on
election day
for casting
non-resident
electors' votes.
[40 of 1964

- (b) ensure that there are no ballot papers or other papers in the ballot box; 0.50/1980
16 of 1985]
- (c) lock the ballot box, retain the key thereof and place his seal upon the ballot box in such manner as to prevent it being opened without breaking the seal;
- (d) place the ballot box on a table in full view of all present where it shall remain until the ballot papers have been removed therefrom under section 103(1)(b).

61. (1) The Chief Election Officer shall open each packet made up in pursuance of section 57(1)(a) and the addressed envelopes contained therein or delivered to him by virtue of section 58(4)(d); and in the course of execution of the foregoing provisions of this paragraph, the Chief Election Officer shall count and record the number of envelopes contained in each packet aforesaid and the number of envelopes so delivered to him. Opening packets of non-resident electors' ballot papers. [O. 50/1980 16 of 1985]

(2) Upon opening any such envelope under subsection (1) of this section, the Chief Election Officer shall, if requested so to do by a candidate appointed under section 59 or election agent, satisfy himself as to the identity of the signatory of any declaration therein, made in Form 14, or of any certificate on the reverse side of any such Form, by comparing such signature with— Form 14.

- (a) the signature made on his registration card by the non-resident elector; or
- (b) the signature (of which a specimen shall for purposes of record to enable the due execution of the provisions of this paragraph, have previously been required by the Chief Election Officer) of the ballot attendant or returning officer,

as the case may be, who the said signatory represents himself to be:

Provided that—

- (a) the Chief Election Officer shall not accede to any such request if he has decided that, for any reason, section 62 does not require a vote to be cast from the addressed envelope in

LAWS OF GUYANA

question or in cases where in his opinion having regard to all the circumstances the request is unreasonable;

(b) every decision taken by the Chief Election Officer under the foregoing provisions of this section shall be final unless and until it is reversed by the High Court on an election petition presented under the National Assembly (Validity of Elections) Act.

c. 1:04

(3) The Commissioner shall cause to be made available such registration cards as are required by the Chief Election Officer for the purposes of subsection (2)(a).

Casting non-resident electors' votes. [Reg. 25/1968 O. 50/1980 16 of 1985 15 of 2000]

62. (1) The casting of every vote dealt with in accordance with section 55 shall be effected by way of the ballot paper being removed without being unfolded from the envelope which contains it and being placed in the ballot box by the Chief Election Officer as soon as he shall have opened the addressed envelope so dealt with and, in the event of any request having been duly made in that behalf, satisfied himself under section 61(2) that the identity of the signatory of the declaration enclosed with the ballot envelope conforms to the requirements of this Act; and upon every such casting, the Chief Election Officer shall place a mark on his copy of the non-resident electors' roll against the name of the non-resident elector whose serial number appears on the reverse side of the declaration enclosed as aforesaid.

Casting of non-resident vote for geographical constituencies

62A.(1) The ballot officer shall supply to every person entitled to ballot at the balloting place his ballot paper in an unsealed envelope; on the envelope shall be stated his name, polling district, division, code number and polling place.

(2) Upon issuing the unsealed envelope to the person entitled to ballot such person shall cast his ballot and place it in the envelope which he shall seal before placing it in the ballot box provided by the ballot attendant .

(3) Upon receipt of the envelopes containing the ballots cast the Chief Election Officer or his duly authorised representative shall sort the envelope in a packet for the relevant polling station in the relevant polling station in the relevant geographical district and prepare a written statement

of the number of envelopes so sorted.

(4) The Chief Election Officer shall transmit all sealed envelopes with the cast ballots to the respective returning officers for each geographical district, together with a copy of the written record of the envelopes so despatched.

(5) Each returning officer shall cause to be distributed to each presiding officer the sealed envelopes containing ballots to be cast at the specific polling station presided over by that presiding officer.

(6) At the commencement of poll and in the presence of polling agents the presiding officer shall verify the number of envelopes and cast the votes contained in those envelopes.

(7) The persons who balloted in accordance with this section shall be deemed to have cast their votes at the election in the districts in which the relevant balloting places are situated.

(8) The votes deemed to have been cast the election in each district under subsection (7) shall be counted by the respective presiding officer and the provisions of section 83 shall apply **mutatis mutandis** in relation to the counting of votes under this section.”

(2) For the purposes of the preceding subsection, a vote shall be deemed to have been dealt with in accordance with section 55 notwithstanding that the ballot envelope containing the same is found open except the ballot envelope appears to the Chief Election Officer to have been tampered with after having been sealed.

(3) Notwithstanding anything in the foregoing provisions of this section, a vote shall not be cast if upon opening the addressed envelope containing the same, there is disclosed a declaration bearing under section 51(ii) the like serial number—

(a) as was entered on any counterfoil under section 52(b) and by virtue of section 58(3), the addressed envelope

LAWS OF GUYANA

aforesaid not having been delivered as mentioned in section 61(1); or

(b) as belongs to any non-resident elector against whose name an additional mark has been placed under section 52(a) and by virtue of section 58(6), the addressed envelope aforesaid not having been among parcelled enclosures referred to in the proviso to the last-mentioned subsection.

63. (1) The Chief Election Officer shall not leave outside any addressed envelope opened under section 61(1) such contents thereof as are not placed in the ballot box under section 62(1); and he shall make up into separate packets, sealed with his seal—

(a) all such envelopes from which votes have not been cast by reason of their containing declarations or certificates in respect of which the Chief Election Officer, having been duly requested to satisfy himself as to the identities of the signatories thereof, is not satisfied as mentioned in section 62(1);

(b) all such envelopes which contained votes cast under section 62(1);

(c) all other such envelopes from which such casting was not effected by reason of their having been found, upon being opened as aforesaid, to contain enclosures which appear not to have been dealt with in accordance with section 55;

(d) all the addressed envelopes from which votes were precluded by virtue of section 62(3) from being cast;

(e) all the addressed envelopes returned as mentioned in the proviso to section 56(1), or delivered under that proviso, to him on or before election day;

(f) everything returned in such manner (not being the manner provided by virtue of section 58(4)(b) or condition as mentioned in section 56(3), or delivered in pursuance of that subsection, to him on or before election day;

(g) the copy of the non-resident electors' roll marked under section 62(1).

Further duties
of Chief
Election
Officer in
relation to
packets.
[Reg. 25/1968
16 of 1985]

(2) The Chief Election Officer shall, for the purpose of compliance with section 62(3), open the packet made up by each officer in pursuance of section 57(1)(b), and the packet made up by him in pursuance of subsection (c) of that section and containing counterfoils with entries made under section 52(b) and by virtue of section 58(3), and shall reseal every packet so opened as soon as its contents cease to be in use for the said purpose.

(3) The Chief Election Officer shall open the packet made up by each officer pursuant to section 57(1)(d), and the packet containing the non-resident electors' ballot papers account prepared by that officer under section 57(1)(e), for the purpose of verification of the said account by comparing it with the contents of the packet made up by him as aforesaid and with the relevant records made under sections 48 and 61(1) and the Chief Election Officer shall thereafter reseal both such packets.

Ballot boxes.
[Reg. 25/1968]

64. More than one ballot box may be used for the purposes of this Part if the Chief Election Officer considers or finds a single ballot box to be inadequate, or the use thereof to be inexpedient, for those purposes; and the provisions of section 60 shall, in so far as they are applicable, be complied with in relation to every ballot box which the Chief Election Officer decides shall be used as aforesaid.

Delegation of
Chief Election
Officer's
functions.
[Reg. 25/1968]

65. The Chief Election Officer may depute officers belonging to the staff appointed under section 7(d) to carry out his functions, or any of them, (including, without prejudice to the generality of the foregoing, the exercise of his authority for the casting of any vote), under such provisions of the foregoing sections of this Part as are to be executed in conformity with section 59(1); and the officers so deputed, who shall be called overseas presiding officers, shall subject to any general or special directions given by the Chief Election Officer, have and exercise all the powers and perform all the duties, delegated under this section to them, respectively.

PART VIII

PROCEDURE FOR VOTING BY SPECIFIED
DISCIPLINED FORCES

66. (1) In this Part—

Definitions.
[16 of 1985]

“ballot attendant” means a person appointed as such under section 68;

“balloting place” means a place appointed as a balloting place under section 68;

“ballot officer” means a person appointed as such under section 68;

“specified disciplined force” means a disciplined force specified for the purposes of this Part by order under section 67.

67. In order to allow members of any disciplined force or disciplined forces to exercise their right to vote at an election without affecting the performance by them of their duties on the election day, the Elections Commission may by order direct that the provisions of this Part shall apply to the exercise of that right, by any member of such disciplined force or disciplined forces as may be specified in the order, in an election and if the Elections Commission makes such an order the provisions of this Part shall apply to voting by any member of a specified disciplined force or specified disciplined forces at any election held after the date of the order.

Application of
Part.
[16 of 1985
12 of 1996]

68. (1) The Chief Election Officer shall appoint by notification in the *Gazette*—

Appointment
of ballot
officers, ballot
attendants and
balloting
places for the
purposes of
this Part.
[16 of 1985]

(a) one ballot officer for each of the specified disciplined forces;

(b) such number of ballot attendants, as he thinks fit, so that there will be one ballot attendant for each balloting place; and

(c) such place or places, as he thinks fit, in each district as balloting place or balloting places.

LAWS OF GUYANA

(2) Different ballot attendants and different balloting places may be appointed in relation to electors who are members of different specified disciplined forces.

(3) A ballot clerk may be appointed by the Chief Election Officer in relation to a balloting place:

Provided that it shall be lawful for the Chief Election Officer to appoint the same person as ballot attendant and ballot clerk.

List of electors
entitled to vote
under this
Part.
[16 of 1985
12 of 1996
22 of 1997
15 of 2000]

69. (1) Each ballot officer shall prepare a list of persons whose names are on any official list of electors and who are members of the specified disciplined force, in relation to which he has been appointed ballot officer.

(2) The list prepared by a ballot officer under subsection (1) shall be divided into parts according to the division, in the official list of electors for which the names of the persons mentioned in that part are included, and shall state the registration card number of each such person, his serial number of registration in the official list of electors to which division the official list of electors relates, the district in which that division is situate, and such other particulars as may be prescribed by the Elections Commission by regulations.

(3) Each of the ballot officers shall forward a copy of the list prepared by him under subsection (1) (but excluding therefrom the names of the persons referred to in the proviso to section 70 (6)) to the Chief Election Officer.

(4) The Chief Election Officer shall forward those parts of the copy of the list referred to in subsection (3) as are relevant in respect of the divisions in any district to the returning officer of that district and the returning officer shall cause to be displayed at each polling place in the district the names and other particulars included in the copy of the list, referred to in subsection (1), of those who are, but for this Part, entitled to vote at that polling place.

LAWS OF GUYANA

62

Cap. 1:03

Representation of the People

70. (1) The Chief Election Officer shall by notification in the *Gazette* Balloting. [16 of 1985]
appoint a day on which, and the hours during which, persons entitled to
vote under this Part may ballot and different days and hours may be
appointed in relation to different balloting places:

Provided that any day appointed under this subsection for balloting shall not be more than ten days earlier than the election day or later than five days before the election day.

(2) The Chief Election Officer shall forward to each ballot officer sufficient number of ballot papers having regard to the names in the copy of the list forwarded by that ballot officer to the Chief Election Officer under section 69 (3) and each such ballot paper shall be stamped by the Chief Election Officer, with the words "DISCIPLINED FORCES".

(3) The ballot officer shall, before the hour appointed for the commencement of balloting under this Part at a balloting place, cause to be displayed at the balloting place a list containing the names, and other particulars referred to in section 69(2), of the persons entitled to ballot under this Part at that balloting place, such names being of persons who are, but for this Part, entitled to vote at a polling place in the district where that balloting place is situate.

(4) The ballot officer shall cause to be supplied to the ballot attendant for a balloting place, the day before the day fixed for balloting at that balloting place, sufficient number of ballot papers having regard to the names in the list, referred to in subsection (3), of persons entitled to ballot at that balloting place.

(5) Any person whose name is on a list prepared by a ballot officer under section 69(1) and who desires to vote at an election may exercise his right to ballot under this Part at the balloting place where a list containing his name is displayed under subsection (3).

(6) Nothing in this Part shall be deemed to prevent any person whose name is included in a list prepared under section 69(1) from exercising his right to vote in accordance with any other provision of this Act and not in accordance with this Part:

Provided that where any such person desires to vote in accordance with any other provision of this Act he shall intimate the ballot officer in relation to such list wherein his name is included, not later than fifteen days before the day appointed under subsection (1) for balloting at the balloting place where he is entitled to ballot under this Part, of his desire so to do and thereupon the ballot officer shall make a note of it in that list and his name shall not be included in the list referred to in subsection (3) or in the copy of the list referred to in section 69(3) and forwarded by the ballot officer to the Chief Election Officer.

(7) Subject to the provisions of this Part, the provisions of this Act in relation to presiding officers and their functions, polling clerks and their functions, polling places, preparation for poll and polling shall *mutatis mutandis* apply respectively to, and in relation to, ballot attendants, ballot clerks, balloting places, preparation for ballot and balloting under this Part.

Ballot attendant to hand over ballot box to ballot officer. [16 of 1985 30 of 1990 15 of 2000]

71. (1) As soon as possible after the expiry of the hour appointed for the closing of balloting in relation to a balloting place, on the day of the balloting, the ballot attendant shall deliver personally the sealed ballot box containing the sealed envelopes with the marked ballots and the sealed packets referred to in section 93 (10) (b) together with the key of the ballot box to the ballot officer.

(2) The ballot attendant shall be responsible for the safe custody of the ballot box and the aforesaid sealed packets until they are delivered to the ballot officer under subsection (1) and thereafter the ballot officer shall deliver them to the Chief Election Officer who shall be responsible for their safe custody.

(3) The provisions of 62A as they apply in relation to the non-resident electors' ballot shall apply **mutatis mutandis** to voting by the disciplined forces."

LAWS OF GUYANA

Provided that in their application by virtue of this subsection, sections 98, 99 and 101 shall have effect as if for the reference in those sections to a counting agent there had been substituted reference to an election agent.

72. (1) The provisions of sections 131, 134(1)(a), 138(a) in so far as it relates to voting on his own behalf, 138(a) and (b), 138(d) (i) and (ii), 141, 142, 143(a), (b), (c), (d), (h) and (i), 143(e) and (f) in so far as they relate to vote of any elector at an election, 144 in so far as it relates to voting in person and 149, shall apply in relation to balloting under this Part subject to the modification that references therein to—

Application of certain provisions relating to penalties to balloting under this Part.
[16 of 1985]

(a) poll and voting shall be construed as references to balloting under this Part; and

(b) a poll clerk and presiding officer shall be construed as references to a ballot clerk and ballot attendant respectively.

(2) Subsection (1) shall not be deemed to modify the law relating to any other offences under this Act.

73. (1) In order to give effect to the right of an elector, who is a member of any of the disciplined forces, to exercise his right to ballot in accordance with the provisions of this Part, and consistently with the interests of defence, public safety and public order, the Elections Commission may by order direct that the provisions of this Act, other than the provisions of this Part, shall apply to, and in relation to, the exercise by members of the disciplined forces of any right they have to vote at an election, with such adaptations, modifications, exceptions or qualifications as may be specified in the order.

Modification, etc. of provisions of Act.
[16 of 1985
12 of 1996]

(2) An order made under subsection (1) shall be subject to negative resolution of the National Assembly.

74. The provisions of this Part shall have effect notwithstanding anything contained in any other Part of this Act.

Over-riding effect of this Part.
[16 of 1985]

PART IX

THE POLL

Place and time
of poll.
[Reg. 24/1964]

75. The poll shall be taken at each polling place on election day in accordance with this Part during the hours specified in the notice of poll:

Provided that if at the hour of the closing of the poll there are any electors waiting at the polling place to vote, the poll shall remain open for sufficient time to enable those electors to vote.

Appointment
of candidate to
attend poll.

76. (1) The election agent of each group of candidates may appoint one of the candidates, hereinafter in this Part referred to as the “duly appointed candidate” to attend the poll at a polling place.

(2) Notice in writing of the appointment of a duly appointed candidate, stating his name and address, shall be signed by the election agent and delivered to the returning officer of the district in which the polling place is situate not later than the 7th day before election day.

(3) There shall not be more than one duly appointed candidate of the same list of candidates for any one polling place.

(4) Nothing in this section shall preclude a candidate being a duly appointed candidate for two or more polling places whether or not in the same district.

Opening of
poll.
[15 of 2000]

77. At the hour specified in the notice of poll for the opening of the poll the presiding officer, in the presence of such persons, if any, (being persons entitled to enter the polling place) as are present, shall—

(a) open the ballot box and ensure that there are no ballot papers or other papers therein and allow any authorised person present to make an entry in the poll book attesting to this fact;

(b) lock the ballot box, retain the key thereof and place his seal upon the ballot box in such manner as to prevent it being opened without breaking the seal;

(c) place the ballot box on a table in full view of all present

LAWS OF GUYANA

where it shall remain until the poll is closed;
(d) call upon the electors to vote.

78. (1) Each applicant to vote shall, upon entering the room where the poll is held, and after procuring his identity paper if made available for his procurement at the polling place in pursuance of section 43, state to the poll clerk his name, address and occupation and hand to him—

Applicant to
vote to hand
identity paper
to poll clerk.
[Reg. 30/1968
22 of 1997
15 of 2000]

- (a) his voter identification card; and
- (b) if he has been appointed to vote as a proxy on behalf of another elector, the voter identification card of that elector and his notice of appointment to vote as proxy; and
- (c) if he claims to be entitled to vote at the polling place by virtue of section 29(4) his certificate of employment.

(2) The poll clerk shall ascertain if the name of the applicant and that of any elector on whose behalf he holds a notice of appointment to vote as a proxy appear on the official list of electors, or part thereof, for the polling place and shall further ascertain whether any notice of appointment to vote as proxy is recorded in the copy of the list of proxies.

(3) Where there is contained in the official list of electors, or part thereof, a name or other particulars which correspond so closely with the name or other particulars entered on the voter identification card of an applicant to vote as to suggest that the entry in the official list or part thereof is intended to refer to him, the applicant shall, upon taking an oath of identity in Form 19, be deemed to be the person so named in the official list or part thereof.

Form 19.

(4) Where an applicant to vote hands to the poll clerk both his voter identification card and his certificate of employment, the poll clerk shall add his name to the official list of electors or part thereof and shall make an appropriate entry in the poll book.

(5) The poll clerk shall, after the foregoing provisions of this section have been complied with, return to the applicant to vote his voter identification card together with any other documents he has received from the applicant and direct him to hand the same to the presiding officer and apply to him for a ballot paper.

Duty of
presiding officer
upon applica-
tion for a ballot
paper.

[Reg. 32/1964
16 of 1968
22 of 1997
15 of 2000]

79. (1) Upon receipt of the identity paper and other documents as directed under section 78(5) and upon application made to him for a ballot paper the presiding officer shall satisfy himself as to following—

- (a) that the applicant has not already voted;
- (b) the identity of the applicant and his entitlement to vote at the polling place;
- (c) the authority of the applicant to vote as a proxy on behalf of another elector (if he applies so to vote).

(2) For the purposes of subsection (1) the presiding officer may—

- (a) examine the applicant's fingers to ascertain if there appears on them any stain of electoral ink;
- (b) compare the signature of the applicant with that on his identity papers
- (c) compare any photograph on his voter identification card with his face;
- (d) compare the thumb print or other finger print recorded on his identity paper with that of the applicant;
- (e) [Repealed by Act 22/1997];
- (f) examine his notice of appointment (if any) to vote as a proxy on behalf of another elector and compare the particulars in the notice with those recorded in the copy of the list of proxies;
- (g) make such further comparisons as are reasonably necessary between the particulars recorded on his identity paper and those of the applicant;
- (h) require the applicant to take an oath of identity in Form pursuant to section 78(3).

(3) An applicant shall—

- (a) comply with any requirement of the presiding officer made pursuant to subsection (2)(h);
- (b) comply with such requirements of the presiding officer

LAWS OF GUYANA

for the examination of his fingers, the taking and recording of his thumb or finger print, of his signature and of his height as are reasonably necessary for the purposes of subsection (1);

(c) answer such questions as the presiding officer may ask as are reasonably necessary to ask for the aforesaid purposes.

(4) References in subsection (2) to the identity of any applicant shall be construed to include references to his registration card if available pursuant to any direction given under section 40(1)(i).

80. (1) The presiding officer shall refuse to issue a ballot paper to any applicant therefor who does not hand to him his identity paper and other documents as directed under section 78(5) and he shall refuse to issue a ballot paper to any applicant if he is not satisfied as required by section 79(1); but if such identity paper and other documents are handed to him and he is so satisfied he shall—

Issue of ballot
paper to
elector.
[16 of 1968
Reg. 30/1968
22 of 1997
15 of 2000]

(a) deliver to the elector a ballot paper stamped with the official mark;

(b) enter on the counterfoil of the ballot paper the serial number of the elector on the official list of electors;

(c) add to his copy of the official list of electors or part thereof the name of an elector who has produced to him a certificate of employment;

(d) place a mark on his copy of the official list of electors, or part thereof, to show that a ballot paper has been delivered to the elector but without showing the particular ballot paper issued;

(e) return to the elector his identity paper, and also if he has been appointed to vote as proxy on behalf of another elector the identity paper of that elector unless any such identity paper has been provided at the polling place in pursuance of section 43.”

(2) If the elector has been appointed to vote as a proxy on behalf of another elector the presiding officer shall—

(a) deliver to him, in addition to his own ballot paper, a ballot

paper for each elector on whose behalf he has been appointed to vote as a proxy and shall enter on the counterfoil of such ballot paper the number on the official list of electors of the elector on behalf of whom he has been appointed and place a mark as prescribed by subsection (1)(d) on his copy of the official list of electors, or part thereof, to show that a ballot paper has been issued on behalf of each such elector;

(b) retain the notice of appointment to vote as proxy of the elector.

Mode of
voting.
[6 of 1997
15 of 2000]

81. (1) The presiding officer shall by demonstration by the use of a specimen ballot paper ensure that the elector understands how and where to place his mark (without indicating that the elector should vote for any particular list of candidates) and how to fold the ballot paper and shall direct him to return with it when marked, folded as shown.

(2) The elector shall enter one of the polling compartments and there record his vote by secretly marking his ballot paper within the space opposite the name and symbol of the list of candidates for whom he wishes to vote and shall then fold his ballot paper so as to conceal the vote; and if he has been appointed to vote as a proxy he shall record the vote of the elector on whose behalf he has been so appointed, for the list of candidates for whom that elector wishes to vote by secretly marking, in the manner aforesaid, the ballot paper issued to him for that elector and shall then similarly fold that ballot paper.

(3) The elector shall, having recorded his vote (and if such be the case that of an elector for whom he has been appointed a proxy), show the folded ballot paper (or papers) to the presiding officer so as to disclose the official mark appearing on the reverse thereof and shall place it (or them) so folded in the ballot box in the presence of the presiding officer:

Provided that the presiding officer shall not permit any elector whether voting on his own behalf or as a proxy on behalf of another elector to put a ballot paper in the ballot box unless, immediately before he does so, one of his fingers has been stained by immersion in a container of electoral ink.

LAWS OF GUYANA

70

Cap. 1:03

Representation of the People

(4) Notwithstanding the proviso to subsection (3), where the presiding officer is satisfied that an elector is suffering from an injury to any finger of such a nature as to render it undesirable for that finger to be stained with electoral ink, he shall not require that finger to be stained but shall stain another finger.

(5) If an elector fails or refuses to comply with a lawful requirement of the presiding officer for the staining of one of his fingers, the presiding officer shall order him to return to him any ballot paper issued to him and to leave the polling place forthwith; and the presiding officer shall destroy any ballot paper so returned and make an entry in the poll book as to the facts of such failure or refusal.

(6) An elector who refuses or fails to return a ballot paper when so ordered under subsection (5) shall be liable on summary conviction to a fine of thirty-two thousand five hundred dollars or to imprisonment for six months.

(7) An elector who has inadvertently dealt with a ballot paper in such a manner that it cannot conveniently be used as a valid ballot paper may, on delivering such ballot paper to the presiding officer and after satisfying him that it has been spoiled by inadvertence, obtain another ballot paper in its place and the spoiled ballot paper and its counterfoil shall be marked as cancelled.

(8) An elector shall not show the marks which he has placed on his ballot paper to any person and if he does so the ballot paper shall be treated as a spoiled ballot paper:

Provided that this subsection shall not apply if an elector shows a ballot paper to a presiding officer solely for the purpose of ascertaining if he has carried out his duties correctly.

(9) An elector shall vote without delay and shall leave the polling place as soon as he has put his ballot paper and that of any person on whose behalf he has voted as a proxy in the ballot box.

LAWS OF GUYANA

Form 20. (10) Whenever in the opinion of the presiding officer an elector does not understand the language spoken to him he may appoint and swear, in Form 20, an interpreter; and the interpreter, so sworn, shall be the means of communication between the presiding officer and the elector with regard to all matters required to enable the elector to vote.

Blind and incapacitated electors. [22 of 1997] Form 21. **82.** (1) The presiding officer shall, on the application of any elector who is incapacitated by blindness or other physical cause from voting in the manner prescribed by section 81 and who takes an oath in Form 21, mark the ballot paper of such elector in his presence and in the manner directed by him.

Form 21. Form 22. (2) The presiding officer may, at the request of any elector incapacitated in the manner prescribed in subsection (1) and who has taken the oath in Form 21 and is accompanied by a friend who has taken the oath in Form 22, permit such friend, if he is an elector entitled to vote at the polling place, immediately after he has voted on his own behalf, and notwithstanding that his finger has been immersed in electoral ink, to accompany the elector into the voting compartment and mark his ballot paper for him:

Provided that no person may mark the ballot paper of more than one elector as his friend under this subsection or mark such ballot paper unless he first takes an oath in the form prescribed.

(3) Whenever the ballot paper of an elector has been marked in accordance with this section, the poll clerk shall enter in the poll book opposite the name of the elector the fact that the ballot paper was so marked, the reason therefor and, if marked by a friend, the name and the number in the official list of electors of that friend.

Tendered ballot papers. [16 of 1968 22 of 1997 15 of 2000] **83.** (1) If an applicant to vote represents himself to be an elector whose name appears on the official list of electors or part thereof for a polling place and there has already been placed a mark against the name of such elector on the presiding officer's copy of such list or part thereof, the presiding officer shall issue to such applicant a tendered ballot paper if—

- (a) the applicant hands to him his identity paper;

LAWS OF GUYANA

72

Cap. 1:03

Representation of the People

;

(b) the applicant takes an oath of identity in the form prescribed; and

(c) the presiding officer is satisfied as to the matters set out in section 79(1).

(2) A tendered ballot paper shall not be put in the ballot box but shall be given to the presiding officer and endorsed by him with the name of the elector and his number in the official list of electors; and the tendered ballot paper shall be set aside in a separate packet and shall not be counted by the returning officer.

(3) The poll clerk shall enter in the poll book the name of every elector to whom a tendered ballot paper is given and a note of his having marked such a ballot paper.

84. The presiding officer shall, in the event of his needing to be satisfied of the identity of any elector whose name is on the official list of electors accept in lieu of the prescribed identity paper such other identification as is authorised by the Commission and entailing the same stringency for its generation as to leave no doubt as to its authenticity as in the case of the identity paper and permit an elector to vote in the same manner as if his identity paper had been produced.”

Voter
identification.
[22 of 1997
15 of 2000]

85. The poll clerk shall—

Entries in poll
book.

(a) make in the poll book such entries as are required by this Act or directed by the presiding officer;

(b) enter in the poll book the word “SWORN” opposite the name of each elector to whom any oath is administered and “REFUSED TO BE SWORN” or “REFUSED TO ANSWER” opposite the name of each elector who has refused to take an oath or who has refused to answer any question when legally so required.

Maintenance
of secrecy at
polling place.
[6 of 1997]

86. (1) Every person specified in section 89(1)(b) attending the polling place shall maintain and aid in maintaining the secrecy of the voting and shall not, except for a purpose authorised by law, communicate to any person before the poll is closed any information as to—

(a) the name of any elector who has or has not applied for a ballot paper or voted whether on his own behalf or as a proxy on behalf of another elector;

(b) the number in the official list of electors of any elector who, or whose proxy on his behalf, has or has not applied for a ballot paper or voted;

(c) the official mark.

(2) No person shall—

(a) except in the performance of his duty under this Act interfere with or attempt to interfere with an elector when casting his vote or, as a proxy, that of another elector;

(b) obtain or attempt to obtain in a polling place information as to the list of candidates for whom an elector in that polling place is about to vote or has voted either on his own behalf or as a proxy on behalf of another elector;

(c) communicate at any time to any person any information obtained in a polling place as to the list of candidates for whom an elector in that polling place is about to vote or has voted either on his own behalf or as a proxy on behalf of another elector;

(d) directly or indirectly induce an elector to display his ballot paper or that of another elector for whom he has voted as a proxy after he has marked it, so as to make known the list of candidates for whom he has or has not voted either on his own behalf or on behalf of an elector for whom he has voted as a proxy.

(3) No person having undertaken to assist an elector incapacitated by blindness or other physical cause to vote shall communicate at any time to any person any information as to the list of candidates for whom that elector intends to vote or has voted.

LAWS OF GUYANA

(4) Any person who contravenes any of the provisions of this section shall be liable on summary conviction to a fine of sixty-five thousand dollars and to imprisonment for six months.

87. (1) No person shall anywhere within a distance of two hundred yards of a polling place annoy, molest or otherwise interfere with an elector or attempt to obtain any information as to the list of candidates for whom any elector in the polling place is about to vote or has voted either on his own behalf or as a proxy on behalf of another elector.

Molestation of
electors.
[6 of 1997]

(2) Any person who contravenes any of the provisions of this section shall be liable on summary conviction to a fine of sixty-five thousand dollars and to imprisonment for six months.

88. (1) Any person who, without due authority, obstructs, or otherwise interferes with—

Obstruction.
[Reg. 13/1973
6 of 1997]

- (a) access to, or egress from, a polling place;
- (b) the voting at an election by any person registered as an elector;
- (c) the conveyance of documents, supplies and other material pertaining to an election, including ballot boxes and ballot papers;
- (d) the counting of the votes cast at an election; or
- (e) an election officer in the exercise of any function conferred upon him by this Act,

shall be liable on summary conviction to a fine of sixty-five thousand dollars together with imprisonment for a term of one year and shall, in addition, be incapable during a period of five years from the date of conviction—

- (i) of being registered as an elector; and
- (ii) of being elected as a member of the National Assembly.

(2) Section 140(2), as the same applies in relation to a person convicted of an illegal practice, applies *mutatis mutandis* in relation to a person convicted of an offence under this section.

LAWS OF GUYANA

Preservation of
order.
Reg. 37/1964
[16 of 1968
O. 68/1980
12 of 1996
15 of 2000]

89. (1) The presiding officer may, for the purpose of maintaining order at the polling place—

(a) regulate the admission of electors and may, if he deems it advisable, direct that not more than one elector for each compartment shall at the same time enter the room where the poll is held;

(b) exclude all other persons except—

(i) members of the Commission;

(ii) election officers;

(iii) duly appointed candidates;

(iv) polling agents for the polling place;

(v) members of the Police Force, the Guyana Defence Force and the bodies known as the Guyana National Service and the Guyana People's Militia;

(vi) election agents;

(vii) assistant agents for the district in which the polling place is situate;

(c) issue such directions as may be necessary for such purpose.

(2) If any person (whether entitled to enter or not) misconducts himself at a polling place or fails to obey any lawful direction, requirement or order of the presiding officer, whether given or made under this or any other section, he may immediately, by order of the presiding officer, be removed therefrom by a member of the Police Force or by any other person authorised in writing by the presiding officer to remove him, and the person so removed shall not, without the permission of the presiding officer, again enter the polling place on election day:

Provided that the powers conferred by this subsection shall not be so exercised as to prevent an elector entitled to vote at a polling place having an opportunity to vote thereat.

LAWS OF GUYANA

(3) Any person removed from a polling place under subsection (2) may, if charged with the commission of an offence at or anywhere within a distance of two hundred yards of the polling place, be dealt with as a person taken into custody by a police officer for an offence without warrant.

90. (1) All premises to which spirit shop licences, off licences and railway station or stelling licences have been issued under the Intoxicating Liquor Licensing Act shall be closed and kept closed on election day.

Closing of
spirit shops.
[6 of 1997]
c. 82:21

(2) No intoxicating liquor shall be sold, offered for sale, or given away at any premises to which a licence issued under the Intoxicating Liquor Licensing Act applies, at any time between the opening of and the closing of the poll on election day.

(3) No intoxicating liquor shall be supplied to any person at any premises to which a licence issued under the Registration of Clubs Act applies at any time between the opening of and the closing of the poll on election day.

c. 82:26

(4) Any person who contravenes any of the provisions of this section shall be liable on summary conviction to a fine of sixty-five thousand dollars and to imprisonment for six months.

91. (1) Every employer shall permit every elector in his employ, other than any elector on whose behalf another elector has been appointed to vote as a proxy, to be absent from his work on election day for a reasonable time, in addition to the normal midday meal hour, for the purpose of voting at the election; and no employer shall make any deduction from pay or other remuneration of any such elector or impose on him or exact from him any penalty by reason of his absence during such period.

Employers to
allow
employees
period for
voting.

(2) Employees of the Transport and Harbours Department shall be deemed to be employees for the purposes of this section except such as are actually engaged in running trains and vessels and to whom time

cannot be allowed without interfering with the running of the trains and vessels; and the General Manager of the Transport and Harbours Department shall be deemed to be the employer of such employees.

Penalty for breach of section 91. [6 of 1997]

92. Any employer who, directly or indirectly, refuses or who by intimidation, undue influence or in any other way interferes with the granting to any elector in his employ of the period for voting prescribed by section 91, shall on summary conviction be liable to a fine of thirty-two thousand five hundred dollars or to imprisonment for six months.

Procedure on closing of poll. [30 of 1990 15 of 2000]

93. (1) The presiding officer, as soon as practicable after the closing of the poll, in the presence of such of the persons entitled under section 89(1)(b) to be present, as attend shall—

(a) count the number of spoiled ballot papers and tendered ballot papers, if any, and place them in separate special envelopes supplied for that purpose, indicate thereon the number of the spoiled ballot papers and tendered ballot papers and seal the envelopes;

(b) count the used tendered ballot papers without unfolding them and place them back in the special envelope supplied for that purpose, indicate thereon the number of the used tendered ballot papers and seal the envelope;

(c) count the unused ballot papers and tendered ballot papers, undetached from the books of ballot papers and tendered ballot papers, place them with the counterfoils of all used ballot papers and tendered ballot papers in separate special envelopes supplied for that purpose, indicate thereon the number of unused ballot papers and tendered ballot papers and seal the envelopes;

(d) check the number of ballot papers and tendered ballot papers supplied by the returning officer against the number of spoiled ballot papers and tendered ballot papers, if any, the number of unused ballot papers and tendered ballot papers and the number of destroyed ballot papers and tendered ballot papers, as recorded in the poll book, and the number of electors who voted at the polling place as reflected from the counterfoils of the ballot papers and tendered ballot papers issued at the polling place, in order to ascertain that all ballot

papers are accounted for;

(e) record the number of ballot papers and tendered ballot papers received by the presiding officer, issued to electors, unused, and spoiled, in the ballot paper account and tendered ballot paper account in Form 23;

(f) open the ballot box and empty its contents upon a table;

(g) distribute tally sheets to the assistant presiding officer, the poll clerk and the duly appointed candidates and polling agents present;

(h) count and record the number of ballot papers that were in the ballot box;

(i) sort out the ballot papers on the basis of lists for which the votes have been cast; and

(j) count the number of votes recorded for each list of candidates on his tally sheet, giving full opportunity for those present to examine each ballot paper.

(2) Subject to the provisions of this section, section 98 shall *mutatis mutandis* apply to the counting of votes under subsection (1).

(3) In counting the votes the presiding officer shall, wherever his decision on a ballot paper is questioned, record the fact by writing the letter “Q” at the back of the ballot paper and appending his initials.

(4) The decision of the presiding officer as to the validity or otherwise of a ballot paper shall be final subject to review by the returning officer.

(5) The presiding officer shall place the ballot papers cast for each list of candidates and counted under this section in a separate envelope, whether or not any such ballot paper is a questioned ballot paper.

(6) All rejected ballot papers shall be placed in a separate envelope by the presiding officer.

(7) The envelopes referred to in subsections (5) and (6) shall be endorsed as to indicate their contents and shall be sealed by the presiding officer and the number of any questioned ballot papers and the total number of ballot papers contained in the envelopes shall be indicated on their outside.

(8) The presiding officer shall affix his seal to the envelopes referred to in the preceding subsections and shall invite such of the duly appointed candidates and the polling agents as are present to do likewise.

(9) After the completion of the counting, the presiding officer shall complete the ballot paper account and tendered ballot paper account in Form 23, the Statement of Poll in Form 23A, and prepare and certify a sufficient number of copies of the same for distribution as follows—

- (a) to the returning officer;
- (b) to the assistant presiding officer;
- (c) to such of the duly appointed candidates or the polling agents as are present;
- (d) to the Chief Election Officer.

(9)A. The statement of poll prepared in accordance with subsection (9) shall be posted in a conspicuous place outside the polling place as conclusive evidence of the result of the election for that polling place unless there is a recount of the votes.”

(10)The presiding officer shall then—

(a) place the sealed envelope containing the counted and rejected ballot papers in the ballot box, and secure and seal, with his seal and with the seals of such of the duly appointed candidates and polling agents as desire to affix their seals, the ballot box in such manner that it cannot be opened and that nothing can be inserted therein or taken therefrom without breaking the seals; and

(b) make up in separate packets, the marked copies of the official list of electors or part thereof, notices of appointments to vote as proxy and copies of the lists of proxies, the poll book, the ballot paper account and tendered ballot paper account

LAWS OF GUYANA

and such other election documents as may be decided upon by the Commission, and seal the packets with his seal and with the seals of such of the duly appointed candidates and polling agents as are present and desire to affix their seals; and

(c) deliver the sealed ballot box, the sealed packets referred to in paragraph (b), and together with an envelope containing the key of the ballot box and a Statement of the Poll in Form 23A placed in one envelope sealed in the manner referred to in paragraph (b), to the returning officer of the district in which the polling place is situated.

(11) A presiding officer may in writing delegate all or any of his functions under this section to a counting assistant and where any function of a presiding officer is delegated to a counting assistant, in respect of the function so delegated references in the preceding subsections to the presiding officer of a polling place shall be deemed to be references to the counting assistant of the same polling place.

94. (1) Subject to the availability of space in the conveyance carrying ballot boxes from polling places for delivery to a returning officer, the polling agents or the duly appointed candidates for the polling places, who are desirous of accompanying the ballot boxes, may travel in such conveyance:

Accompanying
ballot boxes.
[30 of 1990]

Provided that where the conveyance carrying the ballot boxes can accommodate only one or some of the polling agents or duly appointed candidates for a polling place, desirous of accompanying the ballot boxes from that polling place, the polling agent or agents or duly appointed candidate or candidates who shall accompany the ballot boxes shall be determined by the majority of the polling agents and duly appointed candidates for the polling place.

(2) Nothing in this section shall be deemed to affect the right of any polling agent or duly appointed candidate for a polling place to follow, in a separate conveyance, a conveyance carrying ballot boxes from the polling place for delivery to a returning officer.

PART X

COUNTING OF VOTES POLLED

Counting of
votes.
[Reg. 30/1968
31 of 1968
30 of 1990
3 of 1991]

95. (1) As soon as practicable after the receipt of all the ballot boxes and the envelopes and packets delivered to him in pursuance of section 93(10), the Returning Officer shall, in the presence of such of the persons entitled under section 97(1) to be present as attend, ascertain the total votes cast in favour of each list in the district by adding up the votes recorded in favour of the list in accordance with the Statements of Poll, and thereupon publicly declare the votes recorded for each list of candidates.

(2) Where before twelve noon of the day following the declaration under subsection (1) any counting agent for the district does not request the Returning Officer to conduct a final count of the votes counted by the presiding officers in the district under section 93, the declaration of the votes obtained by the lists under subsection (1) shall be final; but where any counting agent for the district seeks a final count of the votes already counted by the presiding officers in the district under section 93, the Returning Officer shall count such votes in accordance with the provisions contained in the following subsections and section 98 and on the basis of such recount confirm or vary the declaration of the votes recorded in the district for each list of candidates under subsection (1).

(3) Where any counting agent for the district requests a final count, he shall indicate whether he requests a general count or a limited count, and in the latter case shall specify the polling places in respect of which the final count is to be conducted and the Returning Officer shall conduct the count as requested.

(4) Where a limited final count is conducted, the Returning Officer shall review only the decisions of the presiding officers as regards questioned and rejected ballot papers at the polling places

specified in the request for the final count, and in such a case all ballot papers marked “Q” by the presiding officers of those polling places and all ballot papers rejected by them shall be examined by the Returning Officer.

(5) Where in a limited final count the Returning Officer agrees with the decision of a presiding officer as regards any questioned or rejected ballot paper, he shall write the word “confirmed” at the back of the ballot paper, and where he disagrees with the decision of the presiding officer as regards any such ballot paper, he shall write the word “varied” at the back of the ballot paper.

(6) Where a general final count is conducted, the Returning Officer shall review all used ballot papers, including rejected ballot papers, received from all polling places, and where he agrees with the decision of a presiding officer as regards any questioned or rejected ballot paper, he shall write the word “confirmed” at the back of the ballot paper and where he disagrees with the decision of any presiding officer as regards any such ballot paper, he shall write the word “varied” at the back of the ballot paper.

(7) Where a duly appointed candidate or any counting agent for the district disagrees with the Returning Officer as regards any ballot paper, the Returning Officer shall write the letter “Q” on the back of the ballot paper.

(8) All ballot papers marked in any way by the Returning Officer in a final count shall be marked with his initials.

(9) All markings on a ballot paper by the Returning Officer shall be made on the back of the ballot paper in ink different in colour from that used by the presiding officer.

(10) At the conclusion of any final count, the Returning Officer shall comply with section 100 in respect of the polling places to which the final count related.

LAWS OF GUYANA

(11) On ascertaining the votes cast in the district for each list of candidates in accordance with the preceding subsections, the returning officer shall communicate to the Chief Election Officer, by the quickest available means, the total number of valid votes cast in the district for each list of candidates.

Candidates
appointed to
attend count.

96. (1) The election agent of each group of candidates may appoint one of the candidates, hereinafter in this Part referred to as the “duly appointed candidate” to attend at the counting of the votes in a district.

(2) Notice in writing of appointments made under subsection (1), stating the names and addresses of the candidates appointed shall be signed by the election agent and delivered to the returning officer of the district not later than the 7th day before election day.

(3) There shall not be more than one duly appointed candidate of the same list of candidates for any one district.

Attendance at
count.
Reg. 37/1964
[16 of 1968
12 of 1996]

97. (1) No person shall be present at the counting of the votes except—

- (a) the returning officer and such other election officers as he may appoint to assist him in the counting;
- (b) members of the Commission;
- (c) duly appointed candidates;
- (d) counting agents;
- (e) such other persons as, in the opinion of the returning officer, have good reason to be present.

(2) The returning officer shall give the counting agents all such reasonable facilities for overseeing the proceedings and all such information with respect thereto as he can give them consistent with the orderly conduct of the proceedings and with the discharge of his duties in connection therewith.

LAWS OF GUYANA

84

Cap. 1:03

Representation of the People

98. (1) Where a returning officer is required to have a final count of the votes cast for all, or some, of the polling places, he shall in the presence of such of the persons entitled under section 97(1) to be present as attend—

Method of
counting.
[30 of 1990]

- (a) open each ballot box;
- (b) take out the ballot papers;
- (c) count and record the number of ballot papers taken from each ballot box;
- (d) count the votes recorded for each list of candidates.

(2) In counting the votes the returning officer shall, subject to subsection (3), reject as invalid and not count any ballot paper—

- (a) which does not bear the official mark;
- (b) which has not been marked for any list of candidates or is void for uncertainty;
- (c) on which votes have been given for more than one list of candidates;
- (d) on which there is any writing or mark by which the elector can be identified.

(3) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place;
- (b) otherwise than by means of a cross;
- (c) by more than one mark;

shall not be rejected solely by reason thereof if—

- (i) an intention that the vote shall be for one or other of the lists of candidates clearly appears; and
- (ii) the elector is neither identified nor can be identified by the manner in which the ballot paper is marked.

(4) The returning officer shall endorse the word “rejected” on any ballot paper which he may reject as invalid and shall add to the endorsement the words “rejection objected to” if any objection to his decision be made by a duly appointed candidate or a counting agent present during the counting.

(5) The decision of the returning officer as to any question arising in respect of any ballot paper shall be final.

Recounts.

99. A duly appointed candidate, or counting agent present when the counting or any recount of votes is completed, may request the returning officer to have the votes recounted or again recounted; but the returning officer may refuse such request if in his opinion it is unreasonable.

Procedure on
conclusion of
count.
[30 of 1990]

100. (1) Upon the conclusion of the final counting, under section 95, of the votes the returning officer, in the presence of such of the persons entitled under section 97(1) to be present as attend, shall—

(a) seal in separate packets the counted and rejected ballot papers;

(b) verify the ballot papers account given by each presiding officer by comparing it with—

(i) the number of ballot papers recorded under section 98(1)(c);

(ii) the unused and spoiled ballot papers in his possession; and

(iii) the record of tendered votes contained in the poll book;

(c) reseal the packets of unused and spoiled ballot papers;

(d) prepare a written statement as to the result of the verification of the ballot papers account and on request allow any counting agent present to make a copy thereof;

(e) publicly declare the result of the final counting;

(f) deliver to the Chief Election Officer a return in writing in respect of the final counting in Form 24 which shall set out the number of—

Form 24.

LAWS OF GUYANA

- (i) valid votes cast for each list of candidates as aforesaid;
 - (ii) rejected ballot papers together with, in each case, the reason for rejection;
 - (iii) spoiled ballot papers delivered to him;
 - (iv) tendered ballot papers;
 - (v) persons who appear to have voted.
- Maintenance of secrecy at count.

(2) The returning officer shall not open the sealed packets containing tendered ballot papers, marked copies of the official list of electors or part thereof or counterfoils of used ballot papers.

(3) Any counting agent may copy the return made under subsection (1)(f).

101. Every person attending at the counting of votes shall maintain and aid in maintaining the secrecy of voting and shall not communicate any information obtained at the count as to the list of candidates for which any vote has been given.

PART XI

COUNTING NON-RESIDENT ELECTORS' VOTES

102. (1) No person, other than—

- (a) the Chief Election Officer and such staff appointed under section 7(d) as he may designate to assist him in the counting;
- (b) members of the Commission;
- (c) candidates appointed under subsection (2);
- (d) election agents;
- (e) such other persons as, in the opinion of the Chief Election Officer, have good reason to be present,

Persons who may be present at count.
[Reg. 25/1968
12 of 1996
15 of 2000]

shall be present at the counting of the votes cast under Part VII.

(2) The election agent of each group of candidates may appoint one of the candidates for the purposes of subsection (1)(c).

(3) Notice in writing of such appointment, stating the name and address of the candidate, shall be signed by the election agent and delivered to the Chief Election Officer not later than the 7th day before election day.

(4) There shall not be more than one candidate appointed from the same list of candidates for the said purposes.

(5) The Chief Election Officer shall give persons present by virtue of subsection (1) (c) or (d) all such reasonable facilities for overseeing the proceedings and all such information with respect thereto as he can give them consistent with the orderly conduct of the proceedings and with the discharge of his duties in connection therewith.

Method of counting non-resident electors' votes.
[Reg. 25/1968
O. 50/1980]

103. (1) The Chief Election Officer shall, as soon as practicable after the discharge of his functions assigned by Part VII with reference to election day, in the presence of such of the persons entitled under section 102(1) to be present as attend—

- (a) open each ballot box used for the purposes of that Part;
- (b) take out the ballot papers;
- (c) mix together the ballot papers which were contained in each ballot box;
- (d) count and record the number of such votes for each list of candidates as were cast in each ballot box.

(2) The provisions of section 98(2), (3), (4) and (5) shall, as they apply in relation to the counting of votes by a returning officer, apply *mutatis mutandis* in relation to the counting of votes under this section:

Provided that subsection (4) aforesaid shall, in its application by virtue of the foregoing provisions of this subsection, have effect as if for the reference in that subsection to a counting agent there had been substituted reference to an election agent.

Recounts of non-resident electors' votes.

104. A candidate appointed under section 102 or an election agent may, when the counting or recounting of the votes cast in any ballot box is completed in conformity with section 103(1)(e), request the Chief

LAWS OF GUYANA

Election Officer to have the votes recounted or again recounted; but the Chief Election Officer may refuse such request if in his opinion it is unreasonable.

105. (1) Upon the conclusion of the counting of the votes under this Part the Chief Election Officer, in the presence of such of the persons entitled under section 102 (1) to be present as attend, shall—

Procedure on conclusion of count of non-resident electors' votes. [16 of 1985]

(a) seal in separate packets the counted and rejected ballot papers;

(b) prepare a written statement as to the result of the verification of the non-resident electors' ballot papers accounts under section 63(3) and on request allow any candidate appointed under section 102 or election agent present to make a copy thereof;

(c) publicly declare the aggregate number of valid votes cast under section 62(1) for each list of candidates;

(d) record, in Form 25, the number of—

(i) valid votes cast as aforesaid for each list of candidates;

(ii) rejected ballot papers together with, in each case, the reason for rejection;

(iii) persons who appear to have voted under Part VII.

(2) Any candidate appointed as aforesaid or election agent may copy the record made under subsection (1)(d).

106. The Chief Election Officer may delegate to any overseas presiding officers deputed under section 65 his functions, or any of them, under sections 103, 104 and 105, and such officers shall, subject to any general or special directions given by the Chief Election Officer, have and exercise all the powers and perform all the duties, delegated under this section to them, respectively.

Delegation of Chief Election Officer's functions under this Part.

PART XII

ASCERTAINMENT OF ELECTION RESULTS

Totalling of
votes.
[16 of 1968
30 of 1990]

107. The Chief Election Officer shall, after calculating the total number of valid votes of electors which have been cast for each list of candidates, on the basis of the votes counted under sections 71 and 103 and the information furnished by returning officers under section 95 (11), ascertain the result of the election in accordance with sections 108 and 109.

Allocation of
seats.
Reg. 6/1973

108. (1) The total number of votes cast for all the lists of candidates shall be divided by fifty-three and the whole number resulting from that division shall be known as “the electoral quota”.

(2) The number of votes cast for any list shall be divided by the electoral quota; there shall be allocated to that list a number of seats equal to the whole number resulting from that division; and the number of votes represented by a fraction so resulting shall be known as “surplus votes” of the list; and if the number of votes cast in accordance with this Act for any list is less than the electoral quota, those votes shall accordingly be treated as surplus votes of that list.

(3) Any seat or seats remaining unallocated after seats have been allocated in accordance with subsection (2) shall be allocated as follows—

(a) one seat shall be allocated to the list with the largest number of surplus votes;

(b) if the number of seats so remaining is two or more, one seat shall be allocated to the list with the next largest number of surplus votes, and so on until all the seats so remaining have been allocated;

(c) for the purposes of this paragraph, where two or more lists have equal numbers of surplus votes, then lots shall be drawn by the Chairman of the Commission in the presence of the representatives of the lists affected to determine which list or lists shall be deemed to have more surplus votes than the other list or lists.

LAWS OF GUYANA

(4) For the purposes of the foregoing provisions of this section a combination of lists shall be treated as one list.

(5) The seats allocated to a combination of lists shall be allocated among the lists comprised in the combination in accordance with subsections (2) and (3), the electoral quota for that purpose being the whole number found by dividing the total number of votes cast for the combination of lists by the number of seats allocated to the combination.

109. When seats have, in pursuance of section 108, been allocated to any list of candidates—

- (a) the representative of the list; or
- (b) if the representative is unwilling or unable (by reason of absence, illness or any other cause when he is called upon by the Chief Election Officer) so to do, the deputy representative of such list; or

- (c) in case of any such unwillingness or inability on the part of the deputy representative, a majority of the persons named in that list may designate in writing any such person able and willing (when called upon as aforesaid) so to do, who,

shall extract from the said list as many names belonging to candidates selected by him for the purpose, including his own name, if he has not been declared elected as President under article 177 of the Constitution, as can be so extracted without their number exceeding the number of seats allocated to that list; and the Chief Election Officer shall declare such names, in the order of their extraction as aforesaid, to be the names of the candidates on such list who have been elected.

110. As soon as practicable after election day the Commission shall publicly declare the results of the election and shall cause to be published in the *Gazette* a notification thereof, specifying—

- (a) the number of votes cast for each list of candidates;
- (b) the number of rejected ballot papers;
- (c) the number of seats allocated to each list of candidates;

Membership of
National
Assembly.
[16 of 1968
O. 50/1980
O. 80/1980]

Publication of
election results.

and

(d) the names of the persons who, as a result of the election, have become members of the National Assembly;

and, as respects a combination of lists, such notification shall be so arranged as to give the particulars required by paragraphs (a), (c) and (d) with reference to both the combination and each list comprised therein.

Filling of casual vacancies in the case of members elected under article 60(2) of the Constitution.
[O. 50/1980]

111. (1) If the seat of a member of the National Assembly who was elected pursuant to article 60(2) of the Constitution is vacant for any cause other than a dissolution of Parliament, the vacancy shall be filled by the person who is not such an elected member of the Assembly but is qualified for election as, and willing to become, such a member and whose name is taken from the relevant list of candidates by way of further extraction therefrom in accordance with the provisions of section 109 by the representative or deputy representative of such list or a person designated by a majority of persons named in such list, as the case may be, as shall be called upon so to do by the Speaker, following as nearly as may be the like method as was observed at the preceding election of members under article 60(2) of the Constitution, the name of every person who became an elected member of the Assembly at that preceding election, or has since become such a member, being ineligible for extraction under the foregoing provisions of this subsection; and if there is no person whose name is eligible therefor the seat shall remain vacant until it is filled consequent upon an ensuing election under article 60(2) aforesaid.

(2) In subsection (1) “the relevant list of candidates” means the list in which was included the name of the member of the Assembly vacating his seat or, where the vacancy exists because a person is held in proceedings under article 163 of the Constitution not to have been qualified to be elected as such a member, the name of that person.

Certificates of election.

112. The Commission shall furnish each of the persons who have become members of the National Assembly with a certificate that he has been so elected.

LAWS OF GUYANA

113. The Chief Election Officer shall as soon as practicable after the election cause to be prepared and printed a general report on the election including the particulars specified in section 110 and the total number of electors registered under the National Registration Act.

Election Report.
[16 of 1968]
c. 19:08

114. (1) The returning officer of each district shall, as soon as practicable after making the return required by section 100 (1)(f) make up in one parcel the packets he has received in pursuance of section 93(10)(b) and the other papers used at the polling places and in his possession and shall seal the parcel so that it cannot be opened without breaking the seals and deliver it to the Chief Election Officer.

Custody of
election
documents.
[16 of 1968
Reg. 25/1968
O. 50/1980
30 of 1990
15 of 2000]

(2) The Chief Election Officer shall keep all parcels received in pursuance of subsection (1) in safe custody and, subject to the provisions of this Act and any law made under article 163 of the Constitution, allow no person to have access thereto.

c. 1:01

(3) The returning officer of each district shall, as soon as practicable after delivering the election documents, in accordance with subsection (1), cause the ballot boxes used at the election, together with their locks and keys, to be deposited in the custody of Commission.

(4) The Chief Election Officer shall, as soon as practicable after the discharge of his functions under Part XI, cause the ballot boxes used for the purposes of Part VII, together with their locks and keys, to be deposited in the custody of the Commission.

(5) Subject to the requirements of section 63(2) and (3), the provisions of section 114(2) shall, as they apply to the parcels mentioned therein, apply to every packet delivered to, or made up by, the Chief Election Officer pursuant to section 57(1)(b), (c), (d) or (e), or made up under section 105(1)(a), and to everything not dealt with under section 63(1)(e) or (f) by reason of its having been returned or delivered to the Chief Election Officer after election day.

PART XIII

ELECTION EXPENSES

Making of contracts through election agents.

115. (1) The election agent of a group of candidates shall appoint every clerk and messenger employed for payment on behalf of the group at the election and shall hire every committee room hired on behalf of the group.

(2) A contract whereby any expenses are incurred on account of or in respect of the conduct or the management of the election shall not be enforceable against a candidate unless made by the candidate or by the election agent of the group to which the candidate belongs:

Provided that the inability under this Act to enforce such contract against a candidate shall not relieve such candidate from the consequences of any corrupt or illegal practices committed by the election agent or assistant agent of his group with the consent or connivance of such candidate.

Payment of expenses. [16 of 1968 24 of 1990]

116. (1) Except as permitted by this section or in pursuance of section 123, no payment and no advance or deposit shall be made by a candidate or by any other person at any time in respect of election expenses otherwise than by or through the election agent of the group of candidates to which the candidate belongs.

(2) A candidate may pay personal expenses incurred by him on account of or in connection with or incidental to the election to an amount not exceeding twenty-five thousand dollars; and such candidate shall send to the election agent of his group of candidates not later than the 14th day after the declaration of the results of the election under section 110 a written statement of personal expenses so paid.

(3) Any personal expenses in excess of twenty-five thousand dollars incurred by a candidate shall be paid by the election agent.

(4) If a candidate pays personal expenses in excess of the sum specified in subsection (2) he shall be guilty of an illegal practice.

LAWS OF GUYANA

117. (1) A person authorised in that behalf by an election agent may pay any necessary expenses for stationery, postage, telegrams and other petty expenses, or may pay any expenses incurred outside Guyana on account of or in respect of the conduct or the management of the election, to a total amount not exceeding that named in the authority; and such person shall send to the election agent not later than the 14th day after the declaration of the results of the election under section 110 a written statement of the payments so made together with particulars thereof.

Petty and
overseas
expenditure.
[16 of 1968]

(2) Any petty expenses incurred in excess of the amount named in the authority of the election agent shall be paid by the election agent.

118. (1) No expense shall be incurred by or on behalf of a group of candidates and no payment shall be made on their behalf whether before, during or after the election, on account of or in respect of the conduct and management of the election—

Maximun
expenses.
[Reg. 32/1964
16 of 1968
24 of 1990]

(a) in excess of the sum of fifty thousand dollars multiplied by the number of candidates not exceeding 53 on the list of candidates;

(b) for purposes other than the following—

(i) the expenses of printing, advertising, publishing, issuing and distributing addresses and notices;

(ii) the expense of stationery, messages, postages and telegrams;

(iii) the expense of holding public meetings and holding outside Guyana meetings open to electors generally;

(iv) the expenses of committee rooms, no more than one such room being situated in each district within the meaning of the National Registration Act;

(v) expenses permitted under section 130;

(vi) the personal expenses of candidates.

c.19:08

(2) In determining the total expenditure incurred by a group of candidates no regard shall be had to amounts paid by candidates under section 116(2).

(3) If an election agent incurs or pays election expenses in excess of the sum specified in subsection (1), or for purposes other than those therein specified, he shall be guilty of an illegal practice.

(4) If a candidate pays any election expenses except his personal expenses otherwise than by or through the election agent of his group of candidates or in pursuance of section 123 he shall be guilty of an illegal practice.

Remuneration of election agent.

119. So far as circumstances permit, this Part shall apply to a claim for his remuneration by an election agent and to the payment thereof in like manner as if he were any other creditor; and, if there is any dispute as to the amount due, such claim shall be a disputed claim within the meaning of this Part and dealt with accordingly.

Election expenses return and declarations. [24 of 1990] Form 26.

120. (1) Not later than the 35th day after the declaration of the results of the election under section 110 the election agent of each group of candidates shall forward to the Chief Election Officer a return which shall be in Form 26 and shall contain statements of—

- (a) all payments made by the election agent;
- (b) the amount of personal expenses paid by each of the candidates;
- (c) all disputed claims of which the election agent is aware;
- (d) all unpaid claims of which the election agent is aware in respect of which application has been or is about to be made to the High Court;
- (e) all money, securities and equivalent of money received by the election agent from the candidates or any other person for the purposes of expenses incurred or to be incurred on account of or in respect of the conduct or management of the election and the name of every person from whom such money, securities and equivalent of money were received;
- (f) any duly authorised expenses incurred for any purpose referred to in section 126(1).

LAWS OF GUYANA

(2) Every payment made by an election agent, in respect of any expenses incurred on account of or in respect of the conduct or management of the election shall except where less than one hundred dollars be vouched for by a receipt or by a bill stating the particulars; and all such bills and receipts shall be sent to the Chief Election Officer with the election expenses return.

(3) The election expenses return shall be accompanied by a declaration by the election agent as to election expenses, in Form 27 and each candidate shall make and transmit, or cause to be transmitted, to the Chief Election Officer not later than the 35th day after the declaration of the results of the election under section 110, a declaration as to election expenses in Form 28.

Form 27

Form 28

(4) Where, after the election expenses return has been forwarded to the Chief Election Officer, leave is given by the High Court for any claim to be paid, the election agent shall, within seven days of the payment of such claims, forward to the Chief Election Officer a return of the sums paid together with a copy of the order of the court.

(5) If without an authorised excuse a candidate or an election agent fails to comply with any requirement imposed on him by this section, he shall be guilty of an illegal practice.

121. (1) The Chief Election Officer shall, as soon as may be after the receipt of each election expenses return, cause to be published in the *Gazette* a summary thereof, accompanied by a notice of the time and place at which the election expenses return and accompanying documents and the election expenses declarations can be inspected.

Publication of
summary of
election
expenses
return.
[24 of 1990
6 of 1997]

(2) Election expenses returns and accompanying documents and election expenses declarations shall at all reasonable times during a period of two years after their receipt be open to inspection at the office of the Chief Election Officer by any person on payment of a fee of fifteen dollars; and the Chief Election Officer shall on demand furnish copies thereof or of part thereof on payment of a fee of fifteen dollars for every one hundred and twenty words or part of one hundred and twenty words.

(3) After the expiration of two years the Chief Election Officer may cause the election expenses return and accompanying documents and the election expenses declarations to be destroyed unless any election agent requires them to be sent to him.

Authorised
excuse for failure
to submit return
and declarations.
[6 of 1997]

122. (1) Where the election expenses return or any expenses declaration has not been submitted as required by section 120, or having been submitted contains an error or a false statement, then—

(a) if any candidate applies to the High Court, and shows that his failure to submit an election expenses declaration or any part thereof, or any error or false statement therein has arisen by reason of his illness, or of the absence, death, illness or misconduct of another candidate or of the election agent or of an assistant agent or of any clerk or officer employed by the election agent, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant; or

(b) if an election agent applies to the High Court and shows that his failure to submit the return and his declaration, or either of them, or any part thereof, or any error or false statement therein, has arisen by reason of his illness, or by reason of the absence, death, illness or misconduct of a candidate or of a former election agent of the group or of an assistant agent or of any clerk or officer employed by the election agent, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant;

the court may, on being satisfied that notice of the application has been published in two newspapers circulating in Guyana, and on production of such evidence of the grounds stated in the application, and of the good faith of the application, and otherwise, as to the court seems fit, make an order allowing an authorised excuse for the failure to submit the return or any declaration as the case may be or for any error or a false statement therein, as to the court seems just.

(2) Where it appears to the court that any person being or having been a candidate, an election agent or assistant agent has refused or failed to make such return or declaration or supply such particulars as to enable any candidate or an election agent to comply with any requirement imposed on him by section 120, the court, before making an order allowing an authorised excuse, shall order such person to attend before the court; and, on his attendance shall, unless he shows cause to the contrary, order him to make and deliver such return or declaration or supply such particulars within such time and to such person and in such manner as to the court seems just, or may order him to be examined with respect to such particulars, and may, in default of compliance with any such order, order him to pay a fine of thirty-two thousand five hundred dollars.

(3) An order allowing an authorised excuse may be made conditional upon the making of the election expenses return or any election expenses declaration or upon the making of them in a modified form or within an extended time and upon the compliance with such other terms as to the court seem best calculated for carrying into effect the objects of these regulations; and an order allowing an authorised excuse shall relieve the applicant for the order from any liability or consequences under this Act in respect of the matter excused by the order.

(4) The date of the order allowing an authorised excuse, or if conditions and terms are to be complied with, the date on which the applicant for the order fully complies with them, is in this Act referred to as the date of the allowance of the excuse.

123. (1) Every claim against any candidate or against an election agent in respect of any expenses incurred on account of or in respect of the conduct or management of an election shall be sent to the election agent not later than the 14th day after the publication under section 110 of the results of the election.

Period of claims for payment of election expenses.
[16 of 1968]

(2) Any such claim as is specified in subsection (1) which is not sent to the election agent within the time therein prescribed shall be barred and not paid.

(3) An election agent who pays a claim in contravention of subsection (2) shall be guilty of an illegal practice.

(4) All expenses incurred on account of or in respect of the conduct or management of the election shall be paid not later than the 28th day after the publication under section 110 of the results of the election.

(5) An election agent who makes a payment in contravention of subsection (4) shall be guilty of an illegal practice.

(6) If an election agent disputes any claim received by him within the time limited by subsection (1) or if he refuses or fails to pay such claim within the period mentioned in subsection (4), such claim shall be deemed to be a disputed claim.

(7) A claimant may, if he thinks fit, bring an action for a disputed claim in any competent court; and anything paid by a candidate or by an election agent in pursuance of the judgment or order of the court shall be deemed to be paid within the time limited by subsection (1) and to be an exception from the provisions of this Act requiring claims to be paid by the election agent.

(8) The High Court may, on application by the claimant or by a candidate or by an election agent and on cause shown to its satisfaction, by order give leave for the payment by a candidate or by an election agent of a disputed claim or for a claim in respect of expenses incurred on account of or in respect of the conduct or management of an election, notwithstanding that such claim was sent after the time limit prescribed by subsection (1), and notwithstanding the sending of such claim to a candidate and not to the election agent.

(9) Any sum specified in any order of the court made under subsection (8) may be paid by a candidate or by an election agent and when paid in pursuance of such order shall be deemed to be paid within the time limited by subsection (1).

124. Where, on application made, it is shown to the High Court by such evidence as to the court seems sufficient that—

LAWS OF GUYANA

100

Cap. 1:03

Representation of the People

(a) any act or omission of any candidate or of any election agent or of any other agent or person, would, by reason of being a payment, contract, engagement, employment or hiring, or the incurring of an expense in excess of the maximum allowed, in contravention of any of the provisions of this Act pertaining thereto, be but for this section an illegal practice, payment, employment or hiring; and

Exemption of act done in good faith from being an illegal practice.
[16 of 1968]

(b) such act or omission arose from inadvertence or from accidental miscalculation or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith; and

(c) notice of the application has been published in two newspapers circulating in Guyana,

and in the circumstances it seems to the court to be just that such candidate, election agent and other agent or person, or certain of them should not be subject to any of the consequences under this Act of the act or omission the court may make an order allowing such act or omission to be an exception from the provisions of this Act which would otherwise make the same an illegal practice, payment, employment, hiring or an incurring of an expense in excess of the maximum allowed, and such candidate, election agent or other agent or person as the court may specify in its order shall not be subject to any of the consequences under this Act of the act or omission.

125. The provisions of this Act prohibiting certain payments and contracts for payments, and the payment of any sum and the incurring of any expense in excess of the prescribed maximum, shall not affect the rights of any creditor who when the contract was made or the expense incurred was ignorant that such contract, payment or expense was in contravention of this Act.

Saving for creditors.

126. (1) No expenses shall, with a view to promoting or procuring the election of a group of candidates, be incurred by any person other than the election agent of the group or by a person authorised in writing by him on account of—

Prohibition of expenses not authorised by election agent.
[16 of 1968
24 of 1990]

(a) holding any meetings mentioned in section 118(1)(b)(iii)

or organising—

- (i) any public display; or
- (ii) any display, outside Guyana, open to electors generally;

(b) issuing advertisements, circulars or publications;

(c) otherwise presenting to the electors the candidates of the group or any of them or their views or the extent or nature of their backing or of disparaging the candidates of another group or any of them:

Provided that paragraph (c) shall not—

(i) restrict the publication of any matter relating to the election in a newspaper or other periodical; or

(ii) apply to any expenses not exceeding in the aggregate the sum of one hundred dollars which may be incurred by an individual and are not incurred in pursuance of a plan suggested by or concerted with others, or to expenses incurred by any person travelling or in living away from home or similar personal expenses.

(2) Any person other than an election agent or a person authorised in that behalf in writing by him who incurs expenses prohibited by subsection (1) shall be guilty of a corrupt practice.

(3) Any expenses incurred on account of any purpose referred to in subsection (1) and duly authorised by the election agent shall be returned as part of the election expenses of the group of candidates.

False election
expenses
declarations.
[16 of 1968]

127. Any candidate or election agent who makes an election expenses declaration containing any statement false in fact, which he knows or believes to be false or does not believe to be true, shall be guilty of a corrupt practice.

PART XIV

ILLEGAL PAYMENT, EMPLOYMENT, HIRING

128. Any person who knowingly provides money—

Providing money for illegal purposes.

(a) for any payment which is contrary to this Act;

(b) for any expenses in excess of the maximum allowed by this Act;

(c) to replace any money expended in any such payment or expenses,

shall be guilty of illegal payment.

129. Any person who corruptly induces or procures any other person to withdraw from being a candidate at an election, in consideration of any payment or promise of payment shall be guilty of illegal payment; and any person withdrawing in pursuance of such inducement or procurement, shall also be guilty of illegal payment.

Corrupt withdrawal of candidate.

130. (1) No person shall, for the purpose of promoting or procuring the election of a group of candidates at an election be engaged or employed for payment or promise of payment for any purpose or in any capacity whatsoever, except for the following—

Prohibition of certain forms of employment.
[16 of 1968]

- (a) one election agent;
- (b) one assistant agent for each district;
- (c) one polling agent in each polling place;
- (d) one counting agent for each district;
- (e) two clerks and two messengers for each committee room;
- (f) persons to exercise outside Guyana such authority mentioned in section 117 or 126 as may be conferred upon them, respectively.

(2) If any person is engaged or employed in contravention of this section the person engaging or employing him shall be guilty of illegal employment; and the person so engaged or employed shall also be guilty of illegal employment if he knew that he was so engaged or employed contrary to law.

Illegal hiring of transport for electors.

131. (1) No person shall let, lend or employ for the purposes of the conveyance of electors to or from the poll, any public stage or hackney carriage, or any horse or other animal kept or used for drawing the same, or any carriage, horse or other animal which he keeps or uses for the purpose of letting out for hire; and any person who contravenes this subsection knowing the purpose of the letting, lending or hiring shall be guilty of illegal hiring.

(2) No person shall hire, borrow or use for the purpose of the conveyance of electors to or from the poll any carriage, horse or other animal which he knows the owner thereof is prohibited by subsection (1) from letting, lending or employing; and any person who contravenes this subsection shall be guilty of illegal hiring.

(3) Nothing in this section or in section 134 shall prevent a carriage, horse or other animal being let to or hired, employed or used by an elector or several electors at his own or their own joint cost, for the purpose of being conveyed to or from the poll.

Use of certain premises as committee room prohibited.

132. (1) No person shall let, hire or use as a committee room for the purpose of promoting or procuring the election of a group of candidates at an election any of the following premises—

(a) any premises wherein the sale by wholesale or retail of any intoxicating liquor is authorised by any licence, whether such licence authorises the sale for consumption on or off the premises;

(b) any premises where any intoxicating liquor is sold or supplied to members of a club, society or association other than a permanent political club;

(c) any premises wherein refreshment of any kind, whether food or drink, is ordinarily sold for consumption in the premises.

LAWS OF GUYANA

104

Cap. 1:03

Representation of the People

(2) Any person who hires or uses premises in contravention of subsection (1) shall be guilty of illegal hiring and any person who lets or permits to be used such premises or part thereof shall also, if he knew it was intended to use such premises or part thereof as a committee room, be guilty of illegal hiring.

(3) Nothing in this section shall apply to any part of premises described in subsection (1) which is ordinarily let for the purpose of chambers or offices or the holding of public meetings or arbitrations if such part has a separate entrance and no direct communication with any part of the premises on which intoxicating liquor or refreshment is sold or supplied.

133. Any person guilty of an offence of illegal payment, employment or hiring shall be liable on summary conviction to a fine of thirty-two thousand five hundred dollars or, if the offence be not triable summarily by reason of anything comprehended therein having been done, omitted or situated anywhere beyond the limits of summary jurisdiction exercisable in Guyana, he shall, unless it is proved that he was not a citizen of Guyana at the time of the offence, be liable upon conviction on indictment in Guyana to a fine of sixty-five thousand dollars or to imprisonment for one year and any candidate or election agent who is guilty of such an offence shall be guilty of an illegal practice.

Penalty for illegal payment, employment or hiring.
[16 of 1968
6 of 1997]

PART XV

ILLEGAL PRACTICES

134. (1) No payment or contract shall, for the purpose of promoting the election of a group of candidates at an election, be made—

Certain expenditure to be illegal practice.

(a) on account of the conveyance of electors to or from the poll, whether for the hiring of horses or carriages or for railway fares, water or air transport fares or otherwise; or

(b) to an elector on account of the use of any house, land, building or premises for the exhibition of any address, bill or notice, or on account of the exhibition of any address, bill or notice:

Provided that where it is the ordinary business of an elector as an advertising agent to exhibit for payment bills and advertisements, a payment to or contract with such elector, if made in the ordinary course of business, shall not be deemed to be an illegal practice within the meaning of this section.

(2) If payment or contract for payment is knowingly made in contravention of this section either before, during or after an election, the person making such payment or contract for payment shall be guilty of an illegal practice; and any person receiving such payment, or being a party to any such contract, knowing it to be in contravention of this section, shall also be guilty of an illegal practice.

Disorderly
behaviour at
election
meeting.

135. Every person who, at a lawful political meeting held before election day, acts or incites any other person to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together shall be guilty of an illegal practice.

False state-
ments
concerning
candidates.

136. (1) Any person who, before or during an election, shall, for the purpose of affecting the return of any group of candidates, make or publish any false statement of fact in relation to the personal character or conduct of the candidates of that group or any of them shall, subject to subsection (2), be guilty of an illegal practice.

(2) No person shall be deemed to be guilty of illegal practice under this section if he can show that he had reasonable grounds for believing, and did believe, the statement made by him to be true.

(3) A person making or publishing a false statement of fact in contravention of subsection (1) may be restrained by interim or perpetual injunction by the High Court from any repetition of that false statement or of a false statement of a similar character in relation to the candidate, and, for the purposes of granting an interim injunction, *prima facie* proof of the falsity of the statement shall be sufficient.

Election
publications.
[16 of 1968
6 of 1997]

137. (1) No person shall—

(a) print or publish, or cause to be printed or published, any

LAWS OF GUYANA

106

Cap. 1:03

Representation of the People

bill, placard or poster having reference to an election or any printed document distributed for the purpose of promoting or procuring the election of a group of candidates;

(b) post or cause to be posted any such bill, placard or poster as specified in paragraph (a);

(c) distribute or cause to be distributed any printed document for the purpose specified in paragraph (a),

unless the bill, placard, poster or document bears upon the face thereof the names and addresses of the printer and publisher.

(2) For the purposes of this section, any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the word “printer” shall be construed accordingly.

(3) Any candidate, or any election agent who contravenes this section shall be guilty of an illegal practice; and any other person who contravenes this section shall be liable on summary conviction to a fine of thirty-two thousand five hundred dollars, or if the offence be not triable summarily by reason of anything comprehended therein having been done, omitted or situated anywhere beyond the limits of summary jurisdiction exercisable in Guyana, he shall, unless it is proved that he was not a citizen of Guyana at the time of the offence, be liable upon conviction on indictment in Guyana to a fine of sixty-five thousand dollars or to imprisonment for one year.

138. Any person who—

(a) votes either on his own behalf or as a proxy on behalf of another person or procures any person to vote either on his own behalf or as a proxy on behalf of another person, at an election, knowing that he or such other person is not an elector;

(b) applies for the appointment of a person to vote on his behalf at an election as a proxy knowing that he or the person for whose appointment he applies is not an elector or who in such application makes a false statement as to his entitlement to vote by proxy;

(c) before or during an election knowingly publishes a false statement of the withdrawal of a list of candidates or of any

Miscellaneous
illegal
practices.
[22 of 1997
15 of 2000]

of the candidates named therein for the purpose of promoting or procuring the election of the candidates named in another list;

(d) hands to a poll clerk or a presiding officer—

(i) a forged identity paper; or

(ii) save as permitted by these regulations the identity paper of some other person; or

(iii) a forged notice of appointment to vote as a proxy on behalf of some other person;

(e) for the purpose of affecting the return of a list of candidates causes any person to cast an invalid vote;

(f) conspires with persons known or unknown to deprive a qualified person of the right to be registered or to cause a person not qualified to register as a voter;

(g) except as otherwise provided in section 29, with intent to vote enters, or who votes in, a polling division other than the polling division where he is registered,

shall be guilty of an illegal practice.

Plural voting
to be illegal
practice.
[16 of 1968
Reg. 21/1968
6/1973]

139. Any person who—

(a) votes on his own behalf more than once; or

(b) votes in person on his own behalf when there is in force an appointment of another person to vote as a proxy on his behalf; or

(c) applies for a person to be appointed as a proxy to vote on his behalf without applying for the cancellation of an existing appointment of some other person to vote as a proxy on his behalf or without withdrawing a pending application for such appointment; or

(d) votes as a proxy more than once on behalf of the same elector; or

(e) votes as a proxy on behalf of more than two electors,

shall be guilty of an illegal practice.

LAWS OF GUYANA

108

Cap. 1:03

Representation of the People

140. (1) Any person guilty of an illegal practice—

Penalty for
illegal practice.
[16 of 1968
6 of 1997]

(a) shall, on summary conviction, be liable to a fine of thirty-two thousand five hundred dollars and to imprisonment for six months or, if the offence be not triable summarily by reason of anything comprehended therein having been done, omitted or situated anywhere beyond the limits of summary jurisdiction exercisable in Guyana, he shall, unless having been neither a candidate nor an election agent at the time of the offence he is proved not to have been a citizen of Guyana at that time, be liable on conviction on indictment in Guyana to a fine of sixty-five thousand dollars or to imprisonment for one year; and

(b) subject to subsection (2), shall be incapable during a period of five years from the date of his conviction, whether summarily or on indictment, of being registered as an elector.

(2) In the case of any conviction of an illegal practice the court may, if it deems it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by this section.

PART XVI

CORRUPT PRACTICES

141. The following persons shall be deemed guilty of the corrupt practice of treating—

Treating.

(a) every person who corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly, gives or provides or pays wholly or in part the expense of giving or providing any food, drink, entertainment or provision to or for any person for the purpose of corruptly influencing that person, or any other person, to vote or to refrain from voting, at the election, or on account of such person, or any other person, having voted or refrained from voting, or being about to vote or refrain from voting, at the election;

(b) every elector who corruptly accepts or takes any such food, drink, entertainment or provision.

Undue influence. **142.** The following persons shall be deemed guilty of the corrupt practice of using undue influence—

(a) every person who directly or indirectly by himself or by any other person on his behalf—

(i) makes use of, or threatens to make use of, any force, violence or restraint; or

(ii) inflicts, or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person, in order to induce or compel such person to vote or refrain from voting or on account of such person having voted or refrained from voting at any election; or

(b) every person who by abduction, duress, or any fraudulent contrivance, impedes or prevents the free exercise of the franchise of any elector, or thereby compels, induces or prevails upon any elector either to vote or to refrain from voting at any election.

Bribery. **143.** The following persons shall be deemed to be guilty of the corrupt practice of bribery:

(a) every person who, directly or indirectly, by himself or by any other person on his behalf—

(i) gives or agrees to give; or

(ii) lends or agrees to lend; or

(iii) offers or promises; or

(iv) promises to procure or promises to endeavour to procure—

any money or valuable consideration to or for any elector, or to or for any other person, in order to induce any elector to vote or to refrain from voting;

(b) every person who, directly or indirectly, by himself or by any other person on his behalf, corruptly—

- (i) gives or agrees to give; or
- (ii) lends or agrees to lend; or
- (iii) offers or promises; or
- (iv) promises to procure or promises to endeavour to procure—

any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, on account of such elector having voted or refrained from voting at any election;

(c) every person who, directly or indirectly, by himself or by any other person on his behalf, corruptly—

- (i) gives or agrees to give; or
- (ii) procures or agrees to procure; or
- (iii) offers or promises; or
- (iv) promises to procure or promises to endeavour to procure—

any office, place or employment or to or for any elector or to or for any person on behalf of any elector, or to or for any other person, in order to induce such elector to vote or refrain from voting;

(d) every person who, directly or indirectly, by himself or by any other person on his behalf, corruptly—

- (i) gives or agrees to give; or
- (ii) procures or agrees to procure; or
- (iii) offers or promises; or
- (iv) promises to procure or promises to endeavour to procure—

any office, place or employment to or for any elector or to or for any person on behalf of any elector, or to or for any other

person, on account of any elector having voted or refrained from voting at any election;

(e) every person who, directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person, in order to induce such person to procure the return of a group of candidates, as members of the National Assembly, or the vote of any elector at any election;

(f) every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any group of candidates as members of the National Assembly, or the vote of any elector at any election;

(g) every person who—

(i) advances or pays, or causes to be paid, any money to or to the use of any other person, with the intent that such money, or any part thereof, shall be expended in bribery at any election; or

(ii) knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election;

(h) every elector who, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election;

(i) every person who, after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election.

LAWS OF GUYANA

112

Cap. 1:03

Representation of the People

144. (1) A person shall be deemed to be guilty of the corrupt practice of personation at an election if he— Personation.
[16 of 1968]

(a) votes as some other person whether as an elector on his own behalf or as a proxy on behalf of another elector, and whether that other person is living or dead or is a fictitious person; or

(b) having any mark of electoral ink upon any of his fingers applies for a ballot paper for the purpose of voting as an elector; or

(c) votes in person or as proxy—

(i) for a person whom he knows or has reasonable grounds for supposing to be dead or to be a fictitious person; or

(ii) when he knows or has reasonable grounds for supposing that his appointment as proxy is no longer in force.

(2) For the purpose of subsection 1(a) and (c), a person who has applied for a ballot paper for the purpose of voting shall be deemed to have voted.

145. Every person who is guilty of a corrupt practice other than as specified in section 146, shall, on conviction on indictment be liable to a fine of sixty-five thousand dollars and to imprisonment for one year. General
penalty for
corrupt
practices.
[6 of 1997]

146. Every person who is guilty of personation or aiding, abetting, counselling or procuring the commission of the offence of personation shall, on conviction on indictment, be liable to imprisonment for two years. Penalty for
personation.

147. (1) Subject to this section, every person who is convicted of a corrupt practice shall, in addition to any other punishment, be incapable during a period of five years from the date of conviction— Disqualifica-
tion.
[16 of 1968]

(a) of being registered as an elector;

(b) of being elected as a member of the National Assembly.

(2) In the event of any conviction under section 126, the court may, if it deems it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by this section.

PART XVII

MISCELLANEOUS ELECTION OFFENCES

Offences in respect of ballot boxes and ballot papers, identity papers, and appointments as proxy. [16 of 1968 Reg. 25/1968 O. 50/1980 6 of 1997 22 of 1997 15 of 2000]

148. (1) Every person who—

(a) forges or counterfeits or fraudulently defaces, or destroys, any ballot paper or the official mark thereon or any identity paper or notice of appointment of a person to vote as a proxy; or

(b) without due authority supplies a ballot paper to any person; or

(c) fraudulently puts or causes to be put into any ballot box any paper other than the lawful ballot paper; or

(d) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of any election; or

(e) wilfully or negligently fails to discharge any duty or responsibility imposed on him by any of the provisions of Part VII and relating to any packet to which paragraph (d) applies by virtue of section 56(2); or

(f) being present at any proceedings under section 54 or 55(a) of these sections to be executed in conformity with section 59(1) or section 103, 104 or 105—

(i) interferes or attempts to interfere with any person, balloting as an elector, or obstructs or attempts to obstruct the course of any such proceedings, except in the exercise of any functions required by law to be discharged for the purposes of such balloting or proceedings, as the case may be; or

(ii) obtains or attempts to obtain (except for the purposes of the proviso to section 54(a)) information as to the list of candidates for whom any person is about to vote or has voted; or

(iii) acquires any such information as aforesaid and, at any time thereafter, communicates it to any person; or

(iv) directly or indirectly induces any person balloting as an elector to display his ballot paper so as to make known the list of candidates for whom he has or has not voted; or

(v) is guilty of any wilful act or omission inconsistent with the maintenance of the secrecy of the ballot; or

(g) undertakes to assist any person under the proviso to section 54(a) and at any time thereafter communicates any information as to the list of candidates for whom such person intends to vote, or has voted, to any other person; or

(h) being a ballot attendant participating in any proceedings under section 54 or 55, influences or attempts to influence any person either not to vote or in his choice of a list of candidates to vote for at those proceedings; or

(i) in any Form, or in any certificate on the reverse side thereof, makes any declaration or statement that he does not believe to be true, or has reasonable grounds to believe to be false, in any material respect;

shall be guilty of a misdemeanour, and be liable on conviction—

(i) if he is an election officer or other person exercising powers or performing duties connected with or relating to the conduct of elections, to a fine of sixty-five thousand dollars and to imprisonment for two years;

(ii) if he is not an election officer or such a person, to a fine of sixteen thousand two hundred and fifty dollars and to imprisonment for six months.

(2) Any person who attempts to commit an offence under this section shall be deemed to be guilty of an offence under this section.

LAWS OF GUYANA

Voting when not entitled. **149.** Without prejudice to section 138(a), every person who—

[16 of 1968
6 of 1997]
c. 19:08]

(a) not being registered as a qualified person on an electoral register compiled under the National Registration Act, votes at an election; or

(b) induces or procures any person not so registered to vote at an election,

shall be liable on summary conviction to a fine of sixteen thousand two hundred and fifty dollars and to imprisonment for six months.

Interference with notices and lists.
[6 of 1997]

150. Every person who wilfully mutilates, tears down, destroys, obscures, or makes any alteration in any list or notice published in accordance with this Act, shall be liable on summary conviction to a fine of sixteen thousand five hundred dollars or to imprisonment for three months.

Terror intimidation causing withdrawal of candidate.
[22 of 1997]

151. Any person who through intimidation, terror or force causes any other person to withdraw from being a candidate at any election shall be guilty of an offence and shall be liable on summary conviction to a fine of forty thousand dollars together with imprisonment for one year.

Abetment of offence under this Act.
[22 of 1997]

152. Save as otherwise provided in this Act, every person who aids, abets, counsels, causes, or procures, the commission of any offence under this Act shall be liable to be proceeded against and convicted for that offence, either together with the principal offender or before or after his conviction, and shall be liable on summary conviction to the same punishment as that to which the principal offender is liable by law.

Attempt and incitement to commit offence under this Act.
[22 of 1997
1 of 2001]

153. Every person who attempts to commit, or incites any other person to commit any offence under this Act shall be liable to one-half of the punishment prescribed for that offence.

153 A. (1) Any person who-

(a) makes or published or causes to me made or published any statement; or

(b) takes any action,
which results or can result in racial or ethnic violence or hatred among the people shall be liable on conviction on indictment to a fine of one hundred thousand dollars together with imprisonment for two years.

(2) Every person convicted of an offence under subsection (1) shall, in addition to any punishment under the said subsection, be incapable, during a period of five years from the date of the conviction, of being a member of the National Assembly or being a member of any local democratic organ or of the holder of any constitutional or statutory office.

(3) Where a person is convicted of an offence under subsection (1), the Registrar of the Supreme Court shall send the particulars of the conviction to the chairperson of the Ethnic Relations Commission who shall, subject to the provisions of subsection (7), take such measures or issue such instructions as are required or necessary to give effect to the provisions of subsection (2)

(4) In all cases considered by the Court that relate to subsection (1), the registrar of the Supreme Court shall send a copy of the notes of evidence to the chairperson of the Ethnic Relations Commission, and the registrar shall take such measures or issue such instructions as are required to give effect to the provision of this Act.

(5) Subject to the provisions of subsection (8) where in the opinion of the Judge or the chairperson of the Ethnic Relations Commission the notes of evidence disclose the involvement of any political party in the matter considered under subsection (1) the chairperson of the Ethnic Relations Commission shall summon as a representative of

the party the Leader of the political party or if there is no Leader the General Secretary of the political party, by whatever name either office is designated to attend meeting of the Commission for the purpose of participating in investigations by the Ethnic Relations Commission with regard to the aforesaid involvement; and if after hearing the Leader of the party or the General Secretary, as the case may be, the Commission is satisfied that the statement or action, the subject of the enquiry related to subsection (1), was made or published or it was caused to be made or published on behalf of the political party, or the action was taken on behalf of the political party, and the political party has not publicly disassociated itself from the statement or the action, the chairperson of the Ethnic Relations Commission shall send, in such form as he or she thinks fit, the findings of the Commission to the chairperson of the Elections Commission, and also deliver a copy with a clearly stated date of notification to the representative of the party who participated in the investigations.

(6) The representative of the political party referred to in subsection (5) shall have the right to appeal in a summary way to the Full Court against the findings of the Ethnic Relations Commission, but shall be deemed to have forfeited that right if such appeal is not made within fourteen days of the date receipt of notification of those findings.

(7) The chairperson of the Elections Commission shall, subject to the provisions of subsection (9), on receipt of the findings referred to in subsection (5) in respect of a political party, not accept any list of candidates with the name of that political party thereon for a period of five years from the date of the notification of those findings by the Ethnic Relations Commission; and, subject to the provisions of subsection (9), there shall not for the period aforesaid, be a ballot containing the name of that name of that political party.

(8) The Ethnic Relations Commission shall not take any action under subsection (3) or initiate any formal inquiry under subsection (5) in any case where an appeal against a conviction under subsection (1) has not been determined or has been allowed.

(9) The Elections Commission shall not take the actions under subsection (7) if, within fourteen days of the date of receipt of notification by the Ethnic Relations Commission of its findings, the representative of the party referred to in subsection (5) has exercised the right of appeal under subsection (6), and the Commission shall act only after it has been specifically directed by the Ethnic Relations Commission consequent upon the determination of the appeal.

153E. (1) Where there is a written complaint to the Ethnic Relations Commission that any political party-

Complaint of statement or action by Political party on racial and ethnic violence or hatred.

(a) has made or published or caused to be made or published any statement; or

(b) has taken any action, which results or can result in racial or ethnic violence or hatred, the Leader or General Secretary of the Political party shall be summoned by the Ethnic Relations Commission to participate in investigations of the matter by the Ethnic Relations Commission as the Commission deems fit, provided that such investigations be conducted in a manner open to the public

(2) With respect to the investigations referred to in subsection (1) the party shall have the right to make representations by itself or by attorney-at-law during such investigations by filing defences, being heard, and making submissions, in accord with the procedures determined by the Ethnic Relations Commission, which procedures shall make adequate provision for receiving such representations.

(3) The findings of the Ethnic Relations Commission deriving from the investigation referred to in subsection (1) shall be notified promptly to the representative of the political party, a copy shall be delivered to the chairperson of the Elections Commission, and shall be published in a daily newspaper.

(4) Where the findings of the Ethnic Relations Commission determine that the political party is culpable, the party shall promptly a fine of five hundred thousand dollars to the Ethnic Relations Commission.

(5) The provisions of section 139D (6), (7) and (9) shall **mutatis mutandis** apply to this section.

PART XVIII

GENERAL

154. (1) Except to the extent that jurisdiction in that behalf has been conferred, and the exercise thereof is required, by the Constitution or any law made under article 163 thereof (which provides for the determination by the Supreme Court of Judicature of questions as to membership of the National Assembly and elections thereto) and save as hereinbefore provided to the contrary, no question whether any function of the Elections Commission or of any of its members has been performed validly or at all shall be enquired into in any court.

Elections
Commission
proceedings
[Reg.21/1968
0.50/1980]

(2) No evidence of any deliberations of the Elections Commission or communications between members of the Commission regarding its business shall be admissible in any court.

155. In any indictment, information or complaint for an offence in relation to ballot boxes, ballot papers and other election material, the property in them may be stated to be in the Chief Election Officer.

Property in
election
material

156. In any prosecution under this Act, whether on indictment or summarily, the certificate of the Chief Election Officer that the election was duly held and that the person or persons named therein were named as a candidate or candidates at such election, shall be sufficient evidence of the facts therein stated.

Certificate of
Chief Election
Officer

157. Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of any director, manager, secretary or other officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of the offence and punished accordingly.

Offences by
bodies
corporate

158. A complaint or information against a person in respect of any offence under this Act shall be made or filed within one year or, in the case of an offence to be tried on indictment, two years after the offence was committed.

Limitation of
time
[16 of 1968]

LAWS OF GUYANA

120

Cap. 1:03

Representation of the People

Special provisions as to convictions

159. (1) Any person charged with illegal payment, employment or hiring, may, notwithstanding that the act constituting the offence amounted to a corrupt or illegal practice, be found guilty of illegal payment, employment or hiring, as the case may be, if the circumstances warrant such finding.

(2) A person charged with an illegal practice or other offence not being a corrupt practice may, notwithstanding that the act constituting the offence amounted to a corrupt practice, be found guilty of an illegal practice or other offence, as the case may be, if the circumstances warrant such finding.

(3) Any person charged with a corrupt practice may, if the circumstances warrant such finding, be found guilty of an illegal practice and for that purpose the offence of an illegal practice shall be an indictable offence.

Rules of Court c 3:02

160. Rules of Court may, for any of the purposes of this Act, be made from time to time in the manner prescribed by the High Court Act.

Duty not to disclose fingerprints

161. No election officer shall produce for inspection or supply the thumb-print of an elector, or a copy thereof except—

- (a) for the purposes of this Act and its enforcement;
- (b) for purposes connected with the conduct of an election;
- (c) as otherwise expressly provided by law.

Extra-territorial application of penal provisions of this Act. [16 of 1968]

162. (1) No charge laid, and no proceedings taken, in Guyana against any person on or with a view to his indictment for any offence under this Act shall, unless the contrary intention hereinbefore appears, be deemed to be unsanctioned by law, or otherwise untenable, on the ground that anything to which the indictment relates or might relate was done, omitted or situated outside Guyana or beyond any territorial limitation affecting the exercise of jurisdiction by the High Court, whether within the territory of any other State or not, provided that such person was a candidate, election agent or citizen of Guyana at the time of the offence in question.

LAWS OF GUYANA

(2) For the purposes of subsection (1), a person against whom any charge is laid as aforesaid shall, in any proceedings taken against him as aforesaid, be deemed to have been a citizen of Guyana at the said time unless the contrary is proved.

(3) No objection to any such proceedings as aforesaid on indictment for an offence punishable under the provisions of section 133 or 137(3) or 140(1) shall be taken or allowed for inconsistency with any such provision conditioning the proceedings upon the absence of summary jurisdiction:

Provided that where the person so indicted is convicted on such indictment and the judge is satisfied that the offence could have been tried summarily, such person shall be liable to no more than the like punishment as on summary conviction for such an offence.

(4) The foregoing provisions of this section are in addition to, and not in derogation of, such provisions of any other laws as sanction the prosecution of indictable offences.

163. The expenses of carrying out the provisions of this Act shall be defrayed from moneys provided by Parliament except in so far as any such expenses may otherwise lawfully be defrayed out of the Consolidated Fund.

Expenses.

164. The Elections Commission may make regulations for giving effect to the provisions of this Act and for amending the Schedule, including, subject to the provisions of the Constitution and this Act, regulations to make provision for all matters, in respect of the conduct of an election, for which in its opinion it is necessary or expedient to make provision, and, without prejudice to the generality of the foregoing, any such regulation may prescribe the hours between which an act may be done on any day not later than which the act is required by virtue of this Act to be done before election day and the particulars to be included in a list prepared under section 69(1)

Regulations.
[16 of 1968
16 of 1985
12 of 1996]

165. The Commission shall be consulted by Government with regard to the emoluments to be paid to election officers and other staff employed under this Act.

Commission to
be consulted
on emoluments
of officers and
staff
[0.50/1980]

LAWS OF GUYANA

110

Cap. 1:03

Representation of the People

[16 of 1968
r. 5/1964
3/1968
30 of 1990]

SCHEDULE

TABLE OF FORMS

NO.

1. Oath (a) by election officer.
2. List of candidates.
3. Statutory declaration of a candidate named in a candidates' list.
4. Certificate of Employment.
5. (Part A) Application for appointment of a proxy.
(Part B) Consent of person named in application for proxy paper.
6. Appointment as proxy.
7. List of proxies.
8. Cancellation of proxy.
9. Notice of poll.
10. Directions for voting.
11. Form of ballot paper.
12. Tendered ballot paper.
- 12A. Application for inclusion of name in non-resident electors' roll.
13. (Page 1) Poll book.
(Page 2) Blind or incapacitated electors.
(Page 3) Tendered ballots.
(Page 4) Ballot papers refused.
(Page 5) Certificates of employment (Section 78(4)) and entries directed by the Presiding Officer (Section 85(a)).
14. Declaration of identity.
15. Directions for balloting.
16. Receipt for ballot envelope sealed by non-resident elector and form of declaration of his identity.
17. Non-residents' ballot papers account.
18. Application by non-resident to vote in Guyana.
19. Oath (a) of identity.
20. Interpreter's oath (a).
21. Oath (a) of blind and incapacitated elector.
22. Oath of friend of incapacitated or blind elector.
23. Ballot paper account.
- 23A. Statement of poll.
24. Election return.
25. Election return—votes of non-residents.

- 26. Election expenses return.
- 27. Declaration of election expenses—by election agent.
- 28. Declaration of election expenses—by candidate.

s. 8(1)
[O. 50/1980]

FORM 1
THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS
OATH (a) BY ELECTION OFFICER

I.....(b).....having been appointed
.....(c).....swear (d) that I will faithfully perform the
duties of the said office according to law, without partiality, fear, favour
or affection.

So help me God (e)

.....(f).....

Sworn (g) before me at.....this.....day
of.....19....

.....

Justice of the Peace (h)
Chief Election Officer
Election Officer

Notes:

- (a) In the case of an affirmation, substitute “Affirmation” for “Oath”.
- (b) Full names in BLOCK CAPITALS.
- (c) Title of appointment and (except for the Chief Election Officer) the name of the Polling District and/or Polling Division to which appointed.
- (d) In the case of an affirmation substitute “solemnly, sincerely and truly declare and affirm” for “swear”.
- (e) Delete in the case of an affirmation.
- (f) Signature of election officer.
- (g) In the case of an affirmation substitute “affirmed” for “sworn”.
- (h) Delete as necessary.

LAWS OF GUYANA

112

Cap. 1:03

Representation of the People

s. 11(2)
[O. 50/1980
O. 57/1980]

FORM 2

THE REPRESENTATION OF THE PEOPLE ACT

GENERAL ELECTIONS

LIST OF CANDIDATES

(Form of front of paper)

To the Chief Election Officer.

We, whose signatures appear overleaf, do hereby submit this our list of candidates numbered serially and in the alphabetical order of their surnames, whose election to the National Assembly is sought. The title of our list is.....

The candidate named and numbered is hereby designated as Presidential Candidate in accordance with Article 177(1) of the Constitution.

CANDIDATES

| | | |
|------|---------|------------|
| Name | Address | Occupation |
|------|---------|------------|

(Form of back of paper)

We nominate Mrof to be representative of the list and Mrof..... to be deputy representative. We, the persons submitting the list shown on the face of this form are:

| | | |
|------|-----------------------------|-----------|
| Name | Registration Card Number | Signature |
|------|-----------------------------|-----------|

Received by me at o'clock thisday of19..

.....
Chief Election Officer

LAWS OF GUYANA

Representation of the People

Cap. 1:03

113

FORM 3

s. 11(4)
[O. 50/1980]

THE REPRESENTATION OF THE PEOPLE ACT

GENERAL ELECTIONS

STATUTORY DECLARATION OF A CANDIDATE NAMED IN A CANDIDATES' LIST

Note: This form completed in respect of each candidate named in a list of candidates is to accompany the list of candidates submitted to the Chief Election Officer

I, (full names)..... of (address) having been nominated as a candidate in the list of candidates for the party for election as Members of the National Assembly in the general election to be held on the day of 19...

Do solemnly and sincerely declare

(1) that I consent to the inclusion of my name in the said list of candidates

(2) that I am aware of the provisions of articles 53 and 155 of the Constitution with respect to the qualifications and disqualifications for election as a Member of the National Assembly.

(3) that I may, consistently with such provisions be elected as a Member of the National Assembly at the election for which I have been nominated as aforesaid.

I make this declaration conscientiously believing the same to be true and according to the Statutory Declarations Act.

Signed.....
(Declarant)

Declared before meatthis day of19....

Signed.....
Justice of the Peace
Commissioner of Oaths

LAWS OF GUYANA

114

Cap. 1:03

Representation of the People

s. 29(4)
[O. 50/1980]

FORM 4

THE REPRESENTATION OF THE PEOPLE ACT

GENERAL ELECTIONS

CERTIFICATE OF EMPLOYMENT

In the Polling District I certify that (name) who holds identity paper No. and is registered under serial No. in the No.Polling Division of the..... Polling District is likely to be unable to go in person to the Polling Place allotted to him for the election to be held on the day of 19 by reason of his employment on that date at the Polling Place as a
Date.....

Signed.....
Returning Officer

s. 31
[O. 50.1980]

FORM 5

THE REPRESENTATION OF THE PEOPLE ACT

GENERAL ELECTIONS

PART A

APPLICATION FOR APPOINTMENT OF A PROXY

To the Returning Officer
.....Polling District

I(surname)
(block capitals)
other names.....
of (address)
and holder of identity paper No
being registered in Polling Division No of the
Polling District, hereby certify that I am entitled to vote by proxy by

reason of Not having any person appointed as proxy to vote for me, I do hereby apply for the issue of a proxy paper appointing the following person as proxy to vote for me:—

Full names

Occupation.....

Address.....

Signature of applicant date

Notes

1. This application if approved entitles the proxy to vote for you and disentitles you from voting in person.

2. You may cancel this application if you give notice on Form 8 to the Returning Officer so that he receives the form not later than the tenth day before election day.

3. To be your proxy a person must be entitled to vote at the same polling place as you are and must not already have been appointed proxy for more than one other elector.

4. You are entitled to vote by proxy if you are—

(a) unable, or likely to be unable, to go in person to the polling place for any of the following reasons—

(i) the particular circumstances of your employment on the election day either as a member of a disciplined force or as a rural constable, or for a purpose connected with the election, by the returning officer;

(ii) the fact that at the election, you are acting as a returning officer for a district other than the district in which your address as entered in the official list of electors is situate;

LAWS OF GUYANA

(iii) the particular circumstances of your employment on the election day by the returning officer for a district, other than the district in which your address as entered in the official list of electors is situate, for a purpose connected with the election in that district;

(iv) the fact that you are an employee of the Transport and Harbours Department engaged in running a vessel on the election day;

(b) a candidate at the election and is unable, or likely to be unable, to go in person to the polling place at which you are entitled to vote by reason of being engaged in any activity, connected with the election, in a district other than the district in which that polling place is situate;

(c) unable, or like to be unable, by reason either of blindness or any other physical incapacity to go in person to the polling place, or if able to go, to vote unaided.

PART B

CONSENT OF PERSON NAMED IN APPLICATION FOR PROXY PAPER

I (full names) of (address) Occupation identity paper No being registered in No. Polling Division of the Polling District hereby consent to act as proxy for the above named.....

.....19...
date

Signed.....

LAWS OF GUYANA

Representation of the People

Cap. 1:03

117

FORM 6

s. 32(1)
[O. 50/1980]

THE REPRESENTATION OF THE PEOPLE ACT

GENERAL ELECTIONS
APPOINTMENT AS PROXY

Polling District

Polling Division No

Polling Place

Name of Proxy

No. of identity paper

No. on official list is hereby appointed as proxy for

Name of voter

No. on official list to vote for him/her at the election to

be held on the day of,19...

.....

Returning Officer

Date.....

s. 32(3)

[O. 50/1980]

FORM 7
THE REPRESENTATION OF THE PEOPLE ACT
 GENERAL ELECTIONS
 LIST OF PROXIES
 Polling District

| Elector's name | Elector's address | Elector's identity paper No. | Proxy's name | Proxy's address | Proxy's identity paper No. | Polling Division of Elector and Proxy |
|----------------|-------------------|------------------------------|--------------|-----------------|----------------------------|---------------------------------------|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

I hereby certify that proxy papers were issued to the electors whose names appear in the fourth column above to vote as proxies on behalf of the electors whose names appear opposite thereto in the first column.

.....
 Returning Officer

LAWS OF GUYANA

Representation of the People

Cap. 1:03

119

FORM 8
THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS
CANCELLATION OF PROXY

s. 33
[O. 50/1980]

To the Returning Officer
.....Polling District

I (full names) being registered in NoPolling
Division hereby cancel the appointment of (name of proxy).....
as proxy to vote for me at the election to be held on the day of
....., 19

Signed.....
Address.....

Date

FORM 9
THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS
NOTICE OF POLL

s. 34(1)

In the Polling District

TAKE NOTICE that
a poll will be held on the day of, 19..., between the hours
ofa.m. and p.m. to elect fifty-three members of the
National Assembly.

The situation of each polling place in the Polling District
and the names of the electors who are entitled to vote thereat are given
in the papers attached hereto.

.....
Returning Officer

Date

LAWS OF GUYANA

120

Cap. 1:03

Representation of the People

s. 38(a)
[O. 50/1980]

FORM 10

THE REPRESENTATION OF THE PEOPLE ACT

GENERAL ELECTIONS

DIRECTIONS FOR VOTING

1. You can vote for only one list of candidates at this election.
2. You should see that the ballot paper, before it is handed to you, has been stamped with the official mark.
3. You are to go into one of the compartments and there place a cross within the blank space opposite the name and symbol of the list of candidates for which you wish to vote. You are to make the cross like this: X
4. When you have marked your vote, fold your ballot paper so as to conceal your vote but so as to show the official mark appearing at the back. Then show that mark to the officer presiding and permit your finger to be immersed in electoral ink. After that put your ballot paper in the ballot box and leave the polling place.
5. If you accidentally spoil your ballot paper you may return it to the presiding officer who on being satisfied of the fact will give you another.
6. If you vote for more than one list of candidates or place any mark on the ballot paper by which you can afterwards be identified your vote will be void and will not be counted.

Chief Election Officer

LAWS OF GUYANA

Representation of the People

Cap. 1:03

121

FORM 11

s. 38(b)
[O. 50/1980]

THE REPRESENTATION OF THE PEOPLE ACT

GENERAL ELECTIONS

FORM OF BALLOT PAPER

| | | | | |
|---|----|--|--|--|
| Counterfoil No. Elector's No. in Official List | 1. | C.O.N. The Conservative Party Candidates' List | | |
| | 2. | L.A.B. The Labour Party Candidates' List | | |
| | 3. | L.I.B. The Liberal Party Candidates' List | | |

LAWS OF GUYANA

122

Cap. 1:03

Representation of the People

s. 38(c)
[O. 50/1980]

FORM 12

THE REPRESENTATION OF THE PEOPLE ACT

GENERAL ELECTIONS

TENDERED BALLOT PAPER

(Form 12 shall be identical with Form 11 save that it shall be printed on paper of a different colour.)

[O. 50/1980
24 of 1990]

FORM 12A

THE REPRESENTATION OF THE PEOPLE ACT

GENERAL ELECTIONS

APPLICATION FOR INCLUSION OF NAME IN

NON-RESIDENT ELECTORS' ROLL

To the Chief Election Officer

I (surname)

(block capitals)

(other names).....

of (address

and holder of identity paper No.

..... being an elector whose name

is included in the non-resident's roll in.. (country)

(at serial No.

*being employed by the government of Guyana/

.....
(name of public corporation or corporate

.....
body in which the controlling interest

.....
vests in the State or any agency on behalf

.....
of the State)

LAWS OF GUYANA

being a full-time student at
(give name and
.....hereby apply for
address of educational institution)

the inclusion of my name in the non-resident electors' roll.

2. I am submitting herewith a certificate* from my employer about my employment/the educational institution where I am studying as to my being a full-time student in that Institution.

Date

.....
Signature of applicant.

.....
Signature of witness.

*Strike out the words that are not applicable.

LAWS OF GUYANA

FORM 13

Page 2

BLIND OR INCAPACITATED ELECTORS

(Sections 82(3) and 85(b))

Entries on this page only to be made to show:

- (1) the name etc. of any blind or incapacitated elector whose ballot paper is marked by a friend or by the Presiding Officer.
- (2) the reason therefor (i.e. the nature of his incapacity).
- (3) the oath taken by such elector and his friend, and the friend's particulars.

| Name of Elector | No. on official list | No. of identity paper | Whether marked by friend or P.O. | Reason for marking | Oath Form 21 sworn or refused | Oath of friend Form 22 sworn or refused Friend's name and Serial No. |
|-----------------|----------------------|-----------------------|----------------------------------|--------------------|-------------------------------|--|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

LAWS OF GUYANA

126

Cap. 1:03

Representation of the People

FORM 13

Page 3

TENDERED BALLOTS

(Sections 83(3) and 85(b))

Entries on this page only to be made to show the name etc. of any elector who is given a tendered ballot paper and the oath taken by such elector.

| Name of elector | No. on official list | No. of identity paper | If tendered paper marked | Reason for issuing of tendered paper | Oath of identity Form 19 sworn or refused |
|-----------------|----------------------|-----------------------|--------------------------|--------------------------------------|---|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

LAWS OF GUYANA

FORM 13

Page 4

BALLOT PAPERS REFUSED

(Sections 80(1) and 81(5))

Entries on this page only to be made to show the name etc. of an elector to whom a ballot paper of any kind (ballot or tendered ballot) was refused by the Presiding Officer under section 80(1) or 81(5).

| Name of elector | No. on official list | Identity paper No. if any | Regulation under which refused | Reason for refusal |
|-----------------|----------------------|---------------------------|--------------------------------|--------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

LAWS OF GUYANA

128

Cap. 1:03

Representation of the People

FORM 13

Page 5

CERTIFICATES OF EMPLOYMENT (SECTION 78(4)) AND ENTRIES
DIRECTED BY THE PRESIDING OFFICER
(Section 85(a))

Entries on this page only to be made of persons submitting certificates of employment and entries, other than those covered by previous pages, directed by the Presiding Officer.

| Name of elector | Reference to Certificate of Employment or other particulars |
|-----------------|---|
| | |

s. 54(a)(iii),
61(2)
[O. 50/1980]

FORM 14

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS
DECLARATION OF IDENTITY

Ihereby declare that I am * [satisfied that
(NAME IN BLOCK LETTERS)
the person whose vote is enclosed herewith is] the person to whom the
ballot paper in the ballot envelope enclosed by me herewith was issued.
Dated.....

(Signature of Non-resident/Ballot
attendant/Returning Officer)

* Delete the words in square brackets unless signing as a ballot attendant
or returning officer.

FORM 15

THE REPRESENTATION OF THE PEOPLE ACT

GENERAL ELECTIONS

DIRECTIONS FOR BALLOTING BY NON-RESIDENT

ELECTORS ISSUED WITH BALLOT PAPERS

Election day for determining membership of the National Assembly of Guyana is theday of, 19....

1. Enclosed herewith for the exercise of your single vote are—

- (i) a ballot paper;
- (ii) an envelope addressed “To the Chief Election Officer”;
- (iii) a larger envelope addressed to the officer who has issued the ballot paper to you; and
- (iv) a form of Declaration of Identity.

2. You may vote in one of the following ways—

A. In the presence of a ballot attendant — not later than the day of....., 19 to whom you must—

- (a) produce proof of your identity, including any passport or other document;
- (b) exhibit all the abovementioned enclosures.

If you need assistance to vote on account of physical incapacity, get another non-resident elector to be present with you before the ballot attendant and to certify in his presence the rendering of such assistance.

OR

B. If no ballot attendant is available—

- (i) secretly mark the ballot paper, fold it so as to conceal your vote, enclose it in the envelope addressed “To the Chief Election Officer” and seal that envelope;

LAWS OF GUYANA

- (ii) complete the form of Declaration of Identity and enclose it, together with the envelope you have sealed, in the larger envelope addressed to the officer who issued the ballot paper to you;
- (iii) seal the last-mentioned envelope and post or deliver it to the office of that officer so that he receives it not later than the.....

BUT

C. If you belong to the particular class of non-resident electors that took special steps to obtain the ballot paper in order to ensure your being able to vote you may, in case of your having obtained the ballot paper at the office of a ballot officer, vote only as at A above in the presence of the ballot attendant at that office.

3. Whichever way you may vote, the Chief Election Officer or an overseas presiding officer deputed by him will be authorised on election day in Guyana to cast your vote from the larger addressed envelope. The officer to whom that envelope is addressed will be responsible for making it available, unopened, in Guyana where it will be opened when the casting of your vote is about to be effected by inserting the envelope addressed "To the Chief Election Officer" in a ballot box.

4. In order to ensure that your vote will be counted, you should comply strictly with paragraph 2 of these Directions. You should mark the ballot paper like this: "X" within the blank space opposite the name and symbol of the list of candidates for which you wish to vote. If you vote for more than one list of candidates or place any mark on the ballot paper by which you can be identified, your vote will not be counted.

Chief Election Officer

LAWS OF GUYANA

FORM 16

s. 54(a)(iii)
[O. 50/1980]

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

Receipt for ballot envelope sealed by non-resident elector and form of declaration of his identity.

Iof
.....
(ADDRESS)

a ballot attendant, hereby acknowledge receiving from the non-resident elector whose serial number is a ballot envelope sealed by him and a form of declaration of his identity.

Dated.....

Signed.....
Ballot Attendant

FORM 17

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

Non-residents' ballot papers account.

- | | |
|---|--|
| 1. Number of ballot papers furnished..... | 2. Number of ballot papers issued to non-residents in sealed envelopes |
| Serial Numbers from | 3. Number of ballot papers not issued to non-residents |
| to | 4. Number of addressed envelopes packaged in pursuance of section 57(1)(a) |
| Dated | |

.....
Chief Election Officer/Ballot Officer

LAWS OF GUYANA

132

Cap. 1:03

Representation of the People

s. 58(2)
[O. 50/1980]

FORM 18

THE REPRESENTATION OF THE PEOPLE ACT

GENERAL ELECTIONS

APPLICATION BY NON-RESIDENT TO VOTE IN GUYANA

To the Chief Election Officer.

I (surname).....

(BLOCK CAPITALS)

other names

of (address outside Guyana)

being present in Guyana, apprehending my being unable to vote on account of my absence from the abovementioned address and whose registration card number is hereby apply for a ballot paper to vote at the election to be held on the My address in Guyana is: situate in polling district- No. (State name and number of polling district)

Dated

.....

Signature of Applicant

s. 78(3), 83(1)
[O. 50/1980]

FORM 19

THE REPRESENTATION OF THE PEOPLE ACT

GENERAL ELECTIONS

OATH (a) OF IDENTITY

You swear that you verily believe that you are the person intended to be referred to by entry in the Official list of the name of whose occupation is given as whose address is given as and whose identity paper number is given as and that you have not already voted at this election.

SO HELP YOU GOD

Note:

(a) In the case of an affirmation substitute “solemnly and sincerely declare” for “swear” and omit “SO HELP YOU GOD”.

LAWS OF GUYANA

Representation of the People

Cap. 1:03

133

FORM 20

s. 81(10)
[O. 50/1980]

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS
INTERPRETER'S OATH (a)

You swear that you will true interpretation make between the languages of and to the best of your knowledge and belief.

SO HELP YOU GOD

Note:

(a) In the case of an affirmation substitute "solemnly and sincerely declare" for "swear" and omit "SO HELP YOU GOD".

FORM 21

s. 82(1)
[O. 50/1980]

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS
OATH (a) OF BLIND AND INCAPACITATED ELECTOR

You swear that you are incapable of voting without assistance by reason of physical incapacity/blindness.

SO HELP YOU GOD

Note:

(a) In the case of an affirmation substitute "solemnly and sincerely declare" for "swear" and omit "SO HELP YOU GOD".

LAWS OF GUYANA

134

Cap. 1:03

Representation of the People

s. 82(2)
[O. 50/1980]

FORM 22
THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS
OATH OF FRIEND (a) OF INCAPACITATED OR BLIND ELECTOR

You swear

that you will keep secret the name of the candidates' list for whom you mark the ballot paper of the incapacitated/blind elector on whose behalf you act AND that you have not already marked the ballot paper of any other such incapacitated/blind elector at this election.

SO HELP YOU GOD

Note:

(a) In the case of an affirmation substitute "solemnly and sincerely declare" for "swear" and omit "SO HELP YOU GOD".

s. 93(c)
[O. 50/1980]

FORM 23
THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS
BALLOT PAPER ACCOUNT

Ballot Box No.
General Election, 19 ...
Polling District
Polling Place

Ballot Paper Account

(1) Number of ballot papers received
Serial numbers
from
to
(2) Ballot papers in the ballot box.....
(3) Ditto unused
(4) Ditto spoiled

LAWS OF GUYANA

Representation of the People

Cap. 1:03

135

Tendered Ballot Paper Account

| | |
|--|---|
| (1) Number of tendered ballot papers received | (2) Tendered ballot papers in packet |
| Serial Numbers | (3) Ditto unused |
| from | (4) Ditto spoiled |
| to | |

Dated day of, 19

.....
Presiding Officer

FORM 23A

[O. 50/1980]

THE REPRESENTATION OF THE PEOPLE ACT

GENERAL ELECTIONS

STATEMENT OF POLL

For the Polling Place.....

In Polling District

1. No. of valid votes cast for each list of candidates

| | | |
|---------------|-------------|-------|
| List of | total | votes |
| List of | total | votes |
| List of | total | votes |
| List of | total | votes |
| List of | total | votes |
| List of | total | votes |

LAWS OF GUYANA

136

Cap. 1:03

Representation of the People

- 2. Total valid votes for all lists

- 3. ADD total number of rejected ballot papers (See statement below) _____

- 4. Grand total of persons who appear to have voted in the polling place _____

- 5. Total number of spoiled ballot papers _____

- 6. Total number of tendered ballot papers used _____

- 7. Statement of rejected ballot papers in the polling place

- No. of ballot papers rejected for—

- (a) want of official mark _____

- (b) unmarked or void for uncertainty _____

- (c) marked for more than one list of candidates _____

- (d) marked so that the elector can be identified _____

- Total _____

Presiding Officer

LAWS OF GUYANA

FORM 24
THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS
ELECTION RETURN

s. 100(1)(f)
[O. 50/1980]

for the Polling District of

1. Number of valid votes cast for each list of candidates.

List of total votes
List of total votes
List of total votes
List of total votes
List of total votes
List of total votes

2. Total valid votes for all lists

3. ADD total number of rejected ballot papers (see statement below)

4. Grand total number of persons who appear to have voted

5. Total number of spoilt Ballot Papers
6. Total number of Tendered Ballot Papers used
7. Statement of Rejected Ballot Papers in the Polling District.....

Number of ballot papers rejected for—

- (a) want of official mark
(b) unmarked or void for uncertainty
(c) marked for more than one candidates' list
(d) marked so that the elector can be identified

Total

Returning Officer

Date.....

LAWS OF GUYANA

138

Cap. 1:03

Representation of the People

s. 105(1)(d)
[O. 50/1980
30 of 1990]

FORM 25

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS
ELECTION RETURN - VOTES OF NON-RESIDENT ELECTORS

1. Number of valid votes cast for each list of candidates.

List of.....totalvotes
List oftotalvotes
List oftotalvotes
List oftotalvotes
List oftotalvotes
List oftotalvotes

2. Total valid votes for all lists

3. ADD total number of rejected ballot papers

4. Grand total number of persons who appear to have voted in accordance with Part XI of this Act

5. Statement of rejected ballot papers.

Number of ballot papers rejected for—

- (a) want of official mark
- (b) unmarked or void for uncertainty
- (c) marked for more than one candidates' list
- (d) marked so that the elector can be identified.

Dated thisday of....., 19...

Chief Election Officer

LAWS OF GUYANA

Representation of the People

Cap. 1:03

139

FORM 26

s. 120(1)
[O. 50/1980]

THE REPRESENTATION OF THE PEOPLE ACT

GENERAL ELECTIONS

ELECTION EXPENSES RETURN

I, (name) being election agent to the group of candidates entitled the at the general election held on the day of, 19..., make the following return in respect of the election expenses of the said (title) group of candidates at the said election.

RECEIPTS

Received of

(name)..... \$

(name) \$

(Here enter the name and description of every person-- including every candidate--club, society or organisation from whom any money, securities or the equivalent of money was received towards defraying the expenses of the (title) group incurred on account of the above election, and the amount received from each).

EXPENDITURE

Personal Expenses

Personal expenses of each candidate named in the candidates' list and paid by himself, as per schedule attached hereto Total \$.....

(The amount of personal expenses paid by each candidate himself must be shown separately in the schedule.)

Personal expenses paid by me for the candidates, as per schedule attached hereto Total \$.....

LAWS OF GUYANA

140

Cap. 1:03

Representation of the People

(The amount of personal expenses paid for each candidate by the election agent must be shown separately in the schedule)

Payment of Agents

Received by me for my services as Election Agent \$.....

Total paid to assistant agents, polling agents, counting agents, clerks, typists, messengers as per attached schedule \$.....

(The names and descriptions of every such agent, clerk, messenger, etc. and the sum paid to each must be set out separately in the schedule.)

Goods supplied or work done

To(for printing) \$.....

To(for advertising) \$.....

To(for stationery) \$.....

(The name and description of each person and the nature of the goods supplied or work done by each must be separately set out either here or in a separate schedule.)

Postage and telegrams

Paid for postage total \$.....

Paid for telegrams total \$.....

Hire of rooms

Paid for hire for public meetings \$.....

Paid for hire for Committee rooms as in the attached schedule \$.....

LAWS OF GUYANA

(The schedule must show the full address of and the amount paid for each room hired and the name and description of the person to whom payment was made for it.)

Miscellaneous

Paid for other matters as per attached schedule.....total \$.....

(The schedule must show the name and description of each person paid, the amount paid to him and the reason therefor).

Disputed and unpaid claims

I am aware, as election agent for the (title)..... group of the following disputed and unpaid claims namely:

By (names) for \$..... (here set out the name and description of each person whose claims is disputed, the amount of the claim and the nature of the goods, work or services on which the claim is based).

Unpaid claims allowed by the High Court

By (names) for \$..... (here set out the name and description of each person to whom any such claim is due, the amount of the claim and the nature of the goods, work or services on which it is based).

Date Signed

Election Agent of the.....group

LAWS OF GUYANA

142

Cap. 1:03

Representation of the People

s. 120(3)
[O. 50/1980]

FORM 27
THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS
DECLARATION OF ELECTION EXPENSES BY ELECTION AGENT

I being election agent to the group of candidates at the general election held on the day of 19 do hereby solemnly and sincerely declare that I have examined the return of election expenses about to be transmitted by me to the Chief Election Officer at the said election, and now shown to me and marked and to the best of my knowledge and belief that return is correct;

And I hereby further solemnly and sincerely declare that except as appears from that return I have not and to the best of my knowledge and belief no other person nor any club, society or organisation has on behalf of the said group of candidates made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election;

And I further solemnly and sincerely declare I have received from the said group of candidates dollars and no more (or nothing) for the purpose of the said election, and that, except as specified in the said return sent by me, no money, security or equivalent for money has been paid, advanced, given, or deposited by any one to me or in my hands, or, to the best of my knowledge and belief, to or in the hands of any other person for the purpose of defraying any expenses incurred on behalf of the said group of candidates on account of, or in respect of the conduct or management of the said election.

Signature of declarant

Signed and declared by the above-named declarant on the day of at
before me

(Signed)
Justice of the Peace

LAWS OF GUYANA

Representation of the People

Cap. 1:03

143

FORM 28

s. 120(3)
[O. 50/1980]

THE REPRESENTATION OF THE PEOPLE ACT
GENERAL ELECTIONS

DECLARATION OF ELECTION EXPENSES BY CANDIDATE

I having been one of the candidates in the party's group of candidates for the 19 general election do hereby solemnly and sincerely declare that I have examined the return of election expenses (about to be) transmitted by the election agent of the group of candidates to the Chief Election Officer at the said election, a copy of which is now shown to me and marked and to the best of my knowledge and belief that return is correct;

And I further solemnly and sincerely declare that, except as appears from that return, I have not, and to the best of my knowledge and belief no person, nor any club, society, or organisation, has on behalf of the said group of candidates made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election;

And I further solemnly and sincerely declare that I have paid to the group's election agent the sum of dollars and no more for the purpose of the said election, and that, except as specified in the said return, no money, security, or equivalent for money has to my knowledge or belief been paid, advanced, given, or deposited by any one to or in the hands of the group's election agent or any other person for the purpose of defraying any expenses incurred on my behalf on account of or in respect of the conduct or management of the said election;

LAWS OF GUYANA

144

Cap. 1:03

Representation of the People

And I further solemnly and sincerely declare that I will not, except so far as I may be permitted by law, at any future time make or be party to the making or giving of any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide, or be party, to the providing of any money, security, or equivalent for money for the purpose of defraying any such expenses.

Signature of declarant

Signed and declared by the above-named declarant on the day of at

Before me

Signed.....
Justice of the Peace`
